



AFRICAN COMMISSION ON HUMAN AND PEOPLES' RIGHTS

STRATEGIC FRAMEWORK 2021-2025

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TABLE OF CONTENTS

ABBREVIATIONS	3
ACHPR 2021 – 2025 STRATEGIC PLAN AT A GLANCE	4
1 CONTEXTUAL BACKGROUND	7
1.1 Global State of Human Rights	7
1.2 The State of Human Rights in Africa	7
1.3 ACHPR Strategy 2020–24 Development Context	12
2 STATUS OF IMPLEMENTATION OF THE 2015–19 STRATEGIC PLAN	13
3 STRATEGY DEVELOPMENT APPROACH AND METHODOLOGY	17
3.1 Desk Review and Analysis	17
3.2 Consultations and Engagement of Stakeholders	18
4 STRATEGIC PLAN GOALS AND DESCRIPTION	18
4.1 Vision, Mission, Guiding Principles and Values	18
4.2 Strategic Goals, Outcomes and Outputs	19
4.2.1 Enhanced delivery of protection mandate	20
4.2.2 Strengthened legal systems and institutional frameworks at the national level for promotion and protection of human and peoples' rights	23
4.2.3 Improved knowledge, public awareness about and engagement with the Commission by the wider African public especially women and youth	25
4.2.4 Enhanced monitoring, follow up and tracking of compliance by State Parties	28
4.2.5 Strengthened human, financial and technical resources for Commission	31
5 MODALITIES FOR IMPLEMENTATION	33
5.1 Working Methods	33
5.2 Operational Management	33
5.3 Strategic Partnerships and Collaboration	34
5.4 Financial Management	34
5.5 Risks and Mitigation	34
5.6 Monitoring, Evaluation and Learning (MEL)	35
5.7 Knowledge Generation and Management	36
5.8 Communication and Visibility	36

Abbreviations

ACDEG	African Charter on Democracy, Elections and Governance
ACERWC Child	African Committee of Experts on the Rights and Welfare of the Child
ACHPR	African Commission on Human and Peoples' Rights
AfCHPR	African Court on Human and Peoples' Rights
AGA	African Governance Architecture
APRM	African Peer Review Mechanism
AU	African Union
AUABC	African Union Advisory Board on Corruption
AUC	African Union Commission
AUCIL	African Union Commission on International Law
CSOs	Civil Society Organisations
EACJ	East African Court of Justice
ECOSOCC	Economic, Social and Cultural Council
ECOWAS	Economic Community of West African States
IDPs	Internally Displaced Persons
IOM	International Organisation for Migration
Maputo Protocol	Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa
NANHRI	Network of African National Human Rights Institutions
NGO	Non-Governmental Organisation
NHRI	National Human Rights Institution
OHCHR	Office of the United Nations High Commissioner for Human Rights
PAP	Pan-African Parliament
PSC	Peace and Security Council
REC	Regional Economic Community
RM	Regional Mechanism
SADC	Southern African Development Community
SDG	Sustainable Development Goal
UPR	Universal Periodic Review

ACHPR 2021 – 2025 Strategic Plan at a Glance

Revitalised mandate and capacity of the Commission to promote and protect human and peoples' rights in Africa

Strategic Outcomes	Outputs	Indicative Activities
Enhanced delivery of the protection mandate	Effectiveness of the Communications handling procedure improved	<ol style="list-style-type: none"> 1. Mobilise adequate human and technical resources of the Secretariat, taking into account linguistic diversity, dedicated to handling communications to enhance capacity and efficiency of the protection mandate 2. Develop and implement an electronic communications handling system 3. Designate sessions to exclusively deal with communications 4. Develop, adopt and disseminate a comprehensive communications handling manual
	Capacity to prevent, address and respond to gross and massive human rights violations bolstered	<ol style="list-style-type: none"> 1. Develop and strengthen collaboration and working methods with the AU Assembly, Executive Council, Peace and Security Council and the PRC Sub-Committee on Democracy, Governance and Human Rights 2. Enhance capacities of the Commission to monitor, track, analyse, report and respond to human rights violations throughout the entire conflict cycle and emergency situations 3. Develop collaboration and working methods with other AU organs, institutions, and mechanisms to protect human rights violations in conflict and emergency situations 4. Convene periodic briefings to the PSC, the PRC Sub-Committee on Democracy, Governance and Human Rights and PAP on the state of human rights in Africa 5. Timeously issue and encourage States to respond to urgent appeals and letters of concern 6. Promote the AU Transitional Justice Policy and provide support to Member States to implement transitional justice measures and processes
	Complementarity between and among the Commission and the African Court and the ACERWC in respect to their protective mandate of the Commission reinforced	<ol style="list-style-type: none"> 1. Carry out joint planning and joint sessions/retreats 2. Establish and adequately resource a litigation unit dedicated to transfer and/or litigate cases before the African Court 3. Implement the case referral guidelines
Strengthened legal systems and institutional frameworks at the national level for the promotion and protection of	National norms, processes, systems and institutions for the protection and promotion of human rights refined	<ol style="list-style-type: none"> 1. Provide technical support to Member States to adopt and or reform laws and policies and strengthen institutions that enhance that adherence to state obligations under the African Charter 2. Promote and support Member States to ratify, domesticate and implement AU instruments on human rights 3. Provide support to national mechanisms to facilitate implementation of recommendations/Concluding Observations of the Commission
	Capacity of national institutions with human rights mandate bolstered	<ol style="list-style-type: none"> 1. Work jointly with NHRIs, CSOs, Human Rights Defenders in organisation of and participation in events to mark human rights days and milestones 2. Provide technical support to national institutions to ensure

<p>human and peoples' rights</p>		<p>policies, practices and decisions uphold human rights standards outlined in African Charter</p> <p>3. Include milestones attained by and challenges facing various NHRIs, CSOs, Human Rights Defenders including women and youth in biennial State of Human Rights Africa Report</p>
<p>Improved knowledge, public awareness, and engagement with the Commission especially among women and youth</p>	<p>Promotional missions revitalized</p>	<ol style="list-style-type: none"> 1. Undertake joint promotional missions with AGA Platform Members to leverage on experience, practical knowledge and relationship with State Parties 2. Meaningfully engage women, youth, minorities and other marginalised groups during promotional missions to State Parties; 3. Strengthen relationships with media, academia and creative industry, professional associations such as bar associations, trade unions 4. Provide technical support to Member States and follow up on implementation of observations and recommendations during promotional missions
	<p>Consistency in initiation and formulation of norms and standards streamlined</p>	<ol style="list-style-type: none"> 1. Develop, adopt and implement guidelines on criteria for initiation and formulation of norms and standards by the Commission 2. Popularise and disseminate guidelines upon their adoption among relevant stakeholders
	<p>Capacity and efficiency of Special Mechanisms for effective implementation of the core mandate of the Commission enhanced</p>	<ol style="list-style-type: none"> 1. Review and align existing special mechanisms with core mandate and priorities of the Commission and streamline working methods in line with New Guidelines on Special Mechanism 2. Provide technical support and follow up of recommendations made by special mechanisms
	<p>Cooperation and collaboration between the African Commission and its special mechanisms with UN Special procedures strengthened</p>	<ol style="list-style-type: none"> 1. Implement the Addis Ababa road map 2. Undertake joint activities and missions with UN Special procedures
	<p>Visibility of the Commission and service as a repository of information on human rights in Africa reinforced</p>	<ol style="list-style-type: none"> 1. Adopt and implement robust knowledge management, communication and visibility strategies 2. Organise promotional activities 3. Increase use of traditional and new media, technology and innovation, and the arts to increase level of awareness of the African Commission 4. Enhance engagement and interaction with African citizens particularly youth and women 5. Generate, publish and widely disseminate a biennial State of human rights in Africa report 6. Jointly organise and participate in events to mark human rights days and milestones
	<p>Enhanced monitoring, follow up and tracking of</p>	<p>Compliance with State Parties' reporting obligations improved</p>

compliance by State Parties		<p>their obligations to report during sessions of the Commission and during promotional missions</p> <ol style="list-style-type: none"> 3. Encourage and support State Parties that have never reported to submit their reports 4. Provide technical support to MS in implementing concluding observations of State reports
	Structured engagement with civil society and NHRIs in State reporting procedures improved	<ol style="list-style-type: none"> 1. Increase collaboration with CSOs and NHRIs in sensitisation missions on State reporting 2. Encourage NHRIs and CSOs to support State Parties with their reporting obligations 3. Encourage NHRIs and CSOs to submit activity and shadow reports respectively
	Effective Monitoring, follow-up and implementation Unit established and operationalised	<ol style="list-style-type: none"> 1. Establish a monitoring, follow up and implementation unit Recruit adequate staffing and provision of funding to the monitoring unit; 2. Regularly and consistently engage with State Parties as well as CSOs to monitor compliance
	Monitoring and support to Member States in the implementation of recommendations with respect to its promotion and protection mandate institutionalized	<ol style="list-style-type: none"> 1. Deepen and institutionalise structured engagement and consultations with Member States, the PRC Subcommittee on Democracy, Governance and Human Rights, the PSC, AGA Platform and the AUC to track and follow up on implementation 2. Provide technical support to Member States to implement its recommendations 3. Track and monitor implementation of recommendations
Strengthened human, financial and technical capacity resources for the Commission	Human resource capacity of the Commission and the Secretariat improved	<ol style="list-style-type: none"> 1. Strengthen capacity of Commissioners through leadership roles, linguistic diversity, induction and facilitating better cohesion between Commissioners, Secretariat, as well as between Commission and AU 2. Expedite recruitment processes, partake in fellowships, exchange visits and secondments to supplement full-time staff 3. Effectively manage human and financial resources and core operations, through a systematic program to reform the Organisation, processes, capacity enhancement and performance management of staff 4. Develop and implement a policy for continuous professional development of staff including trainings 5. Promote team building and strengthen working modalities between Commissioners, Secretariat & AUC
	Adequate financial and technical resources attained for the Commission	<ol style="list-style-type: none"> 1. Adopt and implement resource mobilisation strategy and cost-efficient planning and procurement processes to ensure efficient use of resources 2. Mobilise technical, financial and human resource support from AU and strategic partners
	Sufficient resources and support for the construction of the African Commission headquarters mobilised	<ol style="list-style-type: none"> 1. Follow-up with Government of the Gambia and AUC on construction of Commission headquarters 2. Mobilise resources and support for the construction of the headquarters by 2024

1. Contextual Background

1.1 Global State of Human Rights

Africa operates within a global ecosystem. It affects and is impacted upon by the geopolitical, socio-cultural and economic circumstances of the world. It is thus imperative to examine the current state of affairs globally in order to better understand Africa's situation – as well as the ripple effects that Africa is not immune to. Respect for and protection of human rights offers States a pathway towards greater stability and is critical to building resilient and unified societies around the world where peace, security and development can be strengthened or rebuilt.

In the recent past however, the advancement of human rights has been greatly hampered by the rise of fundamentalism which is expressed by the rise to power of far-right governments and violent extremism; increasing intolerance in the form of sexism, racism and xenophobia; capitalistic, extractive and exploitative economies that have caused and greatly contributed to deepening inequalities; widespread displacement resulting from natural disasters, effects of climate change and conflict and the challenges posed by technological innovations. In this context, State and non-State actors have failed to adhere to protection of fundamental rights and basic principles of international human rights law.¹

Further, inequality remains one of the major problems of the contemporary world. Despite the era of extra-ordinary economic growth and widespread improvements in living standards, there exist deep inequalities within and between States.² Messages of 'us' vs 'them', discriminatory attitudes over who and what is acceptable and who should be excluded based on how they look, where they worship or where they come from are becoming increasingly prevalent.³ Gender, ethnicity, race, socio-economic status and place of residence continue to shape opportunities and outcomes.⁴ Mass protests and widespread unrest have been witnessed around the world fuelled by growing inequalities, unfulfilled socio-economic rights, job insecurity, income disparities, lack of opportunities and discontent and frustration across generations.⁵

These challenges while exogenous, remain relevant to the African context and are therefore important in shaping the engagement of the African Commission on Human and Peoples' Rights (ACHPR) within the continent and, through its partnerships, beyond it.

1.2 The State of Human Rights in Africa

Over the years, Africa has witnessed progress with respect to the state of human rights across the continent. Africa has developed an impressive array of normative and institutional frameworks on human rights, leading to the establishment of human rights bodies and mechanisms, including the African Commission on Human and Peoples' Rights (ACHPR), the African Court on Human and Peoples' Rights (AfCHPR), the African Committee of Experts on the Rights and Welfare of the Child (ACERWC), amongst others at regional and national levels.

¹ Report of the Secretary-General: D. Promotion and protection of human rights (2016) <https://www.un.org/sg/en/content/report-secretary-general-d-promotion-and-protection-human-rights> accessed 8 March 2020.

² UN Department of Economic and Social Affairs, *World Social Report 2020: Inequality in a rapidly changing world* January 2020 Pg 11.

³ As above.

⁴ As above.

⁵ As above.

More African States are continuing to affirm their respect for human rights. Some of the Member States such as Nigeria have, in the last two years, introduced bills against torture, forced evictions⁶ and removed prohibitive restrictions for young people to partake in the political arena. Ethiopia has adopted a progressive refugee proclamation that grants refugees access to social services, justice, employment opportunities, free movement and freedom to choose their residence.⁷ Additionally, the independence of the judiciary was exemplified in two notable cases in Kenya and Malawi where elections were annulled and results were overturned.

Over the past few decades, Africa has built an extensive body of instruments and policies to push forward the women's rights agenda at continental, regional, and national levels. At the continental and regional level, various policy decisions have been adopted – including the Maputo Protocol that addresses the specific concerns of women across the continent. Provisions against sexual and gender-based violence, discrimination, harassment and upholding political, socio-economic and cultural rights of women and girls are now enshrined in constitutions and other pieces of legislation in countries across Africa. Regardless of the expanded normative commitments by African States, women's rights continue to be undermined by inadequate implementation, institutional barriers, discriminatory and patriarchal social norms and practices, as well as by violence and intimidation.⁸ These factors are exacerbated in times of unrest and/or conflict, as witnessed in Libya and Central African Republic, among others.

The continent has recorded significant gains over the years, including the adoption of progressive policies which serve to promote and protect human rights. Yet, challenges related to slow compliance, implementation of and reporting on continental and regional commitments by Member States persist. Furthermore, some of the gains recorded over the years, including freedoms of expression, movement, information, assembly, and association have seen regression in some Member States. Human rights defenders, including women's human rights defenders, continue to face widespread harassment, intimidation, abuse and death threats. In fact, 71% of appeals to Member States from the Commission were regarding the protection of human rights defenders.⁹

By the start of 2018, 20 Member States had abolished the death penalty.¹⁰ Even in Member States that have not yet abolished the death penalty, the number of executions has been on the decline. This progress notwithstanding, the number of extra-judicial killings on the continent is still worrying. Extra-judicial killings are prevalent in countries where freedom of expression is unjustly restricted by the State – where there is little room for dissent. Through freedom of expression, assembly and association, several AU Member States have experienced democratic change in leadership. States have however continued to enact laws and policies that restrict civil society organisations, human rights defenders and journalists in particular from freely exercising their right to information, assembly and association.¹¹ These rights have often been restricted under the guise of security concerns, attempts to curb defamation as well as fake news. This has led to, in some cases, complete internet and telecommunication

⁶ The State of African Regional Human Rights Bodies and Mechanisms 2018–2019, Amnesty International, 2019, <https://www.amnesty.org/download/Documents/AFR0111552019ENGLISH.PDF>

⁷ UNHCR welcomes Ethiopia law granting more rights to refugees, 18 January 2019. <https://www.unhcr.org/news/press/2019/1/5c41b1784/unhcr-welcomes-ethiopia-law-granting-rights-refugees.html>

⁸ Abdulmelik, Nebila and Belay, Tsion. Advancing Women's Political Rights in Africa: the Promise and Potential of ACDEG. Africa Spectrum, 2019, Vol. 54(2) 147–161

⁹ The State of African Regional Human Rights Bodies and Mechanisms 2018–2019, Amnesty International, 2019, <https://www.amnesty.org/download/Documents/AFR0111552019ENGLISH.PDF>

¹⁰ VOA, Burkina Faso Abolishes Death Penalty May 2018, <https://www.voanews.com/africa/burkina-faso-abolishes-death-penalty>

¹¹ USAID, Democracy, Human Rights and Governance, <https://www.usaid.gov/southern-africa-regional/democracy-human-rights-and-governance/> Accessed on 24 February, 2020.

shutdowns and in others, partial blockades of online spaces and platforms, taxes on social media, shutdowns of media houses and/or restrictions on their operation, surveillance and censorship. This is particularly the case during elections. Electoral related violence and unrest has often exacerbated and/or triggered human rights violations.¹²

Some AU Member States have also adopted policies that constrain civil society organisations (CSOs), effectively imposing State control over CSOs particularly those that work on human rights and governance issues.¹³ Restrictions that weaken operations of non-State actors constrain the space for democracy consolidation.¹⁴ Whereas the requirement for periodic renewal of CSOs, including probationary periods, is not wrong in and of itself, this requirement creates room for abuse and intimidation, at times forcing groups that wish to continue operating to toe the line.¹⁵

While armed groups and violent extremist elements wreak havoc and contribute to the deterioration of the human rights situation across the continent, counter-terrorism laws and practices that entail extra-judicial killings, arbitrary arrest and detention, disappearances and torture, can be equally counter-productive. This is particularly the case as efforts to uphold human rights can serve to prevent violent extremism whereas violations of human rights can be a basis of recruitment.¹⁶

Challenges and opportunities

The domestication and implementation of the plethora of AU's progressive human rights and governance instruments is still a challenge. The challenges to implementation of human rights are attributable to, among others, existence of weak, ineffective institutions, limited political will and action to enforce human rights and freedoms as well as to technical blockades.¹⁷ It is also important to note that financial resources remain important in the implementation of human rights at the national, regional and continental levels. In their reports, States consistently cited lack of adequate resources as one of the challenges to effective implementation of human rights obligations. Furthermore, Africans are not sufficiently aware of key AU instruments such as the Charter. This is exacerbated by limited translation of these texts into local languages, which undermines local ownership. The conflation of these factors leads to poor human rights education and subsequently low legal literacy and citizen demand for rights.

The National Human Rights Institutions (NHRIs) are important in the advancement of human rights, good governance, democracy and sustainable development.¹⁸ There are 47 NHRIs in Africa and although they have increased the profile of human rights on the continent, they face challenges such as duplication of mandates with other State institutions, inadequate resources and lack autonomy considering that most are dependent on the executive branch for their financing. Despite this, several national institutions strive to make progress, and have approached the Commission for assistance.

¹² The State of African Regional Human Rights Bodies and Mechanisms 2018-2019, Amnesty International, 2019, <https://www.amnesty.org/download/Documents/AFR0111552019ENGLISH.PDF>

¹³ Musila G, 'Freedoms Under Threat: The Spread of Anti-NGO Measures in Africa,' *A Freedom House Special Report*. 2019, https://freedomhouse.org/sites/default/files/05132019_UPDATED_FINAL_Africa_Special_Brief_Freedoms_Under_Threat.pdf/ Accessed on 24 February. 2020.

¹⁴ Green S, 'Responding to Closing of Democratic Space,' Centre for Strategic and International Studies. 2015, <https://www.csis.org/analysis/responding-closing-democratic-space/> Accessed on 24 February, 2020.

¹⁵ As above.

¹⁶ The State of African Regional Human Rights Bodies and Mechanisms 2018-2019, Amnesty International, 2019, <https://www.amnesty.org/download/Documents/AFR0111552019ENGLISH.PDF>

¹⁷ Chris Peter Maina, Human Rights Commissions in Africa - Lessons and challenges

¹⁸ UNDP, Study on the State of National Human Rights Institutions (NHRIs) in Africa (2016) p 4

Some Member States continue to grapple with violent conflicts which in effect impede several rights especially socio-economic rights. This is exacerbated by poor infrastructure where service delivery is tied to a country's performance on indicators relating to infrastructure and welfare such as reliability of electricity, roads and digital and IT services. The right to development is inextricably linked to broader governance issues including limited resources dedicated to health, water, and sanitation for millions of people.¹⁹ Furthermore, the situation during conflict is often characterised by gross violations of human rights, rampant sexual violence, and displacement among others. Women, children, asylum seekers, and refugees are the worst affected by conflicts. Impunity for violations, which can amount to war crimes and crimes against humanity is unfortunately rife. This further calls for seriously tackling the drivers of conflict.

Corruption, illicit financial flows and poor natural resource governance are part of challenges that undermine human rights and good governance in Africa. Corruption weakens public institutions, governance, and socio-economic development threatening the realisation of human rights and good governance on the Continent.²⁰ Implementation of recommendations of national, regional and continental human rights mechanisms require greater attention.

The Covid-19 pandemic is posing challenges to human rights and governance in Africa. The Commission in its Resolution on the impact of Covid-19 notes that the pandemic 'carries profound human rights consequences in the short to long term.'²¹ The Commission expressed concerns about the disproportionate impact restrictions put in place by States have on human rights and the adverse effects that they have on people's livelihoods, security, food, water and sanitation, education, work and healthcare.²² The African Peer Review Mechanism (APRM) noted that the Covid-19 pandemic and the measures taken to address it have significantly impaired democratic and governance processes through severely constraining institutions in both public and private sectors and leading to limitations and violation of human rights and exacerbation of socio-economic inequalities.²³

Despite the many challenges, there exist opportunities that can be capitalised on to enhance the promotion and protection of human rights. The role of technology and innovation presents the Commission with an opportunity to conduct and engage efficiently and proactively. The ongoing AU institutional reforms also present a unique chance to address some of the persistent challenges facing the Commission, including capacity and resource constraints, working methods and institutional structure.

The opportunity presented by the complementarity of the Commission and the African Court and collaboration with Members of the African Governance Architecture (AGA) is equally important. There are ongoing efforts to institutionalise a mechanism to monitor the implementation of the recommendations and decisions of the African Human rights system, and to continuously report non-compliance to policy organs to enable the Executive Council to urge State Parties to comply. Collaboration with NHRIs and CSOs during the process for application of Affiliate Status and Observer Status with the Commission remains an important opportunity to promote and protect human rights on the continent.²⁴ Several States have

¹⁹ Mo Ibrahim Foundation, *Agendas 2063 & 2030: Is Africa on Track? African Governance Report (2019)* p 28

²⁰ Bojang B.S, 'Critical Issues Affecting Africa's Development: Government, Democracy and Democratic Principles, and Governance as an Alternative for Socio-economic Development in Africa.' 2017.

²¹ See Resolution on Human and Peoples' Rights as central pillar of successful response to COVID-19 and recovery from its socio-political impacts - ACHPR/Res. 449 (LXVI) 2020.

²² As above.

²³ APRM, *Africa's Governance Response to Covid-19: Preliminary Report 2020*.

²⁴ *Supra* n.16.

grown more open to accept visits and host meetings, which will serve to improve dialogue. The Commission has become more proactive in congratulating countries for making progress including on ratification of instruments, further laying the ground for continued positive engagement and relationship building. Ensuring the protection and promotion of human rights remains a collective responsibility requiring the contribution of different actors.

Emerging Needs

Several emerging issues further complicate the human rights landscape in Africa and add to the list of human rights challenges that require the attention of the Commission. Some of the key emerging priority areas include violations related to the effects of climate change which increasingly are becoming the source of conflict, violence and displacement on the continent. The number of refugees and IDPs within Africa is already high and with the current trend of climate change, the situation looks bleak, further threatening the human rights situation in the region. There is thus an urgent need to address the causes of displacement and ensure protection of refugees and IDPs.²⁵ Peace, security and development cannot be achieved without a sustainable and healthy environment.

Regulating the use of new technologies without compromising liberties represent another area of attention. A number of countries across the continent are enacting laws that have far reaching effects on the right to freedom of expression on the most common communication media in the contemporary world – the internet. The passage of restrictive cybersecurity laws curtailing the right to freedom of expression under the guise of national security is becoming a growing trend.

Business and human rights is also one of the areas that is coming to the fore. Although scholarly materials on multinational corporations' violation of human rights in Africa is widely available, little has been done to regulate these corporations at national, regional and continental levels. This has prompted calls for the adoption of a legally binding instrument on business and human rights on the continent.

Excessive use of force by security personnel, including police brutality has begun to take centre stage. Fuelled by recorded documentation of these abuses, leading to widespread outrage and action, citizen's movements are actively agitating and organising for security sector reform. This has come to the fore in recent times in Nigeria with country wide protests to dismantle a controversial police unit called the Special Anti-Robbery Squad (SARS) as well globally where movements against structural racism have resulted in calls to reform the justice system. The Commission must play a role in speaking about global racism and discrimination faced by its diaspora.

The management and ramifications of COVID-19 on human rights is a challenge that will remain with the continent for years to come. In addition to finding ways to combat Covid-19 in line with human rights obligations contained in the African Charter on Human and Peoples' Rights and international human rights treaties and customary laws, there is an urgent need to put in place measures that ensure post-Covid-19 recovery adheres to international human rights standards. This requires that particular attention be paid to the unique needs of women, children, indigenous peoples, displaced persons, detainees, stateless and other vulnerable populations.

²⁵ Key Dingake, Challenges of human rights in Africa (2018) <https://www.mmegi.bw/index.php?aid=78093&dir=2018/october/23> accessed 1 February 2020.

1.3 ACHPR Strategy 2021-25 Development Context

This strategy is developed in the context of various legal and institutional frameworks and agendas that inform the call for respect for human rights and rule of law as well as the promotion and consolidation of democratic governance in Africa.

A. The African Charter on Human and Peoples' Rights

The African human rights system is founded on the African Charter on Human and Peoples' Rights (the Charter), the key instrument which safeguards the three generations of human rights. The Charter lays down the legal framework for the protection of human rights on the continent and has been ratified by all the members of the AU except Morocco. Article 45 of the Charter outlines the mandate of the Commission which is threefold: a) promotion of human and peoples' rights in Africa; b) protection of human and peoples' rights in Africa; and c) interpretation of the African Charter upon the request of a State Party, AU institution or an organisation recognised by the AU. In addition to the Charter, and in order to protect, fulfil and promote human rights in Africa, the AU and its predecessor, the OAU, have adopted a number of treaties under the human rights framework.

B. Relevant Policy and AU Institutional Frameworks

To enhance the implementation of instruments outlined above, the AU has adopted policies and established institutions responsible for the promotion, protection, and fulfilment of human rights in Africa. These institutions include the African Commission on Human and Peoples' Rights (African Commission or ACHPR), the African Court on Human and Peoples' Rights (the African Court or AfCHPR) and the African Committee of Experts on the Rights and Welfare of the Child (ACERWC). Notably, the African Court complements the African Commission's protection mandate. Other AU institutions concerned with the promotion and protection of human and peoples' rights include the African Governance Architecture (AGA) Platform Members such as the African Peer Review Mechanism (APRM), Peace and Security Council (PSC), the Permanent Representative Council (PRC) Sub-Committee on Democracy, Governance and Human Rights and the Pan African Parliament (PAP).

Relevant policies include AU's Agenda 2063, Agenda 2030 and the 10 Year Human Rights Action Plan. The AU Institutional Reforms also provide a basis for effective promotion and protection of human rights in the Continent. In developing this Strategic Plan, the Commission is alive to the need for efficiency and effectiveness. The Commission thus seeks to align its mandate, strategic areas of intervention and outcomes with an efficient and effective organisational structure and capacity to deliver optimally. In addition to the call for the strengthening and support of its mandate through the ongoing AU reforms, the Commission foresees better and consistent funding and capacity strengthening of the Commission through implementation of the Decision on Alternative Sources of Financing the African Union. Providing the Commission with a strong mandate will largely depend on how the reforms will be implemented. The Strategy also takes into account relevant international human rights standards and mechanism as well as development in the global human rights landscape, including the state reporting processes under the Universal Periodic Review (UPR).

This strategy focusses on the primary mandate of the Commission as laid out in article 45 of the Charter – Promotion, Protection and Interpretation of the Charter. To be effective, the

strategy acknowledges and is cognisant of the imperative of enhancing synergy, coherence and complementarity of the various mechanisms and processes that promote and protect human rights in Africa in the framework of AGA.

2. Status of Implementation of the 2015–19 Strategic Plan

The African Commission adopted the 2015–2019 Strategic Plan in May 2015. Since inception in 1989, the Commission has so far adopted and implemented six strategy-based plans. Strategic plans have been useful to the Commission in; better planning and coordination of its activities; improved realisation of its mandate as espoused under the African Charter; better management performance; offering guidance to stakeholders in their engagements with the Commission; and impetus for fundraising efforts.²⁶

2.1 Achievements of the Commission during the previous strategic period

To track the implementation of 2015–2019, the Commission developed a monitoring, evaluation and implementation matrix. Gauged against this, the Commission has realised achievements. During this period, the Commission commemorated 30 years of existence in November 2017 during its 61st Ordinary Session in Banjul. The overarching objective of this Commemoration to assess the significance and impact of the work of the Commission and raise awareness on its mandate, milestones, challenges and prospects in promoting and protecting human rights in Africa.

Pursuant to its promotional mandate, the Commission has amongst others: adopted Procedures for the Adoption of Resolutions and Guidelines on the Format of Promotion and Protection Mission of the Commission, adopted three general comments, published the African Human Rights Yearbook in 2017 and 2018 in collaboration with ACERWC, the African Court and University of Pretoria, held consultative and extra-ordinary meetings with AGA Platform Members towards promoting human rights and good governance in Africa; and undertook promotion missions to various AU Member States. These promotion missions helped create visibility for the mandate of the Commission and enabled a better interaction with citizens, State and non-State actors.

On its protection mandate, the Commission has utilised urgent appeals as intervening measures in matters posing an imminent danger of irreparable harm to individuals.²⁷ It has also increased the number of fact-finding missions and issued several statements regarding human rights situations in member states. The Commission also adopted several instruments of soft-law (studies, guidelines, general comments, resolutions).²⁸ It established precedent-setting jurisprudence notably in the area of indigenous peoples' rights and successfully initiated norms-setting exercises (e.g. Protocol to the African Charter on Human and Peoples' Rights on the Rights of Persons with Disabilities in Africa).

In addition, the Commission has been growing in visibility and profile as evidenced by an increase in the number of communications which has increased from 150 in May 2015 to 238 in November 2019. The Commission has also been utilising Urgent Appeals as intervening measures in urgent situations or matters posing an imminent danger of irreparable harm to

²⁶ Para 26.

²⁷ For instance, between November 2018 and May 2019, the Commission issued a total of 83 Urgent Appeals and five Provisional Measures.

²⁸ Examples include the Study on Transitional Justice in Africa, Guidelines on Combating Sexual Violence and its Consequences in Africa, General Comment No. 5 on Article of 12(1) of the African Charter, General Comment No. 4 on Article 5 of the African Charter and General Comment No. 3 on Article 4 of the African Charter

individuals. For example, between November 2018 and May 2019, the Commission issued a total of 83 Urgent Appeals and five Provisional Measures.²⁹ In addition, the Commission has also been undertaking fact-finding missions in various State Parties.

The Commission also held Regional Seminars on the Implementation of its Recommendations³⁰ as well as meetings with the African Court based on the complementary relationship between the two institutions.

In line with Article 62 of the African Charter, the Commission has also been receiving reports from Member States although 5 States have never submitted a report to the Commission.³¹ Notably, in May 2015, the Commission had an affiliate status with 24 National Human Rights Institutions (NHRIs),³² and by November 2019, it had 29 NHRIs with Affiliate status.³³ By May 2015, the Commission had granted 485 NGOs,³⁴ and by November 2019, 523 NGOs Observer Status.³⁵ In regard to strengthening the Commission, in 2017, the Commission reviewed its Organogram in order to optimise the governance arrangements between the Commission and its Secretariat and to clarify the management functions of its Secretary and the Deputy Secretary.³⁶ Also, in 2017, the Government of Gambia established an Inter-Ministerial Task Team to spearhead the construction of the Headquarters of the Commission.³⁷ In a meeting held on 8 November 2019 with the President of Gambia during the 65th Ordinary Session, the President assured the Commission that the construction of the Headquarters of the Commission is a priority for his government.³⁸

2.2 Challenges Facing the Commission in the execution of its mandate

While the Commission has achieved significant milestones in the period between 2015 and 2019, it has also faced challenges in the implementation of its promotion and protective mandates. The challenges include: unclear, *ad hoc* and inconsistent process of initiating and formulating norms and standards; lack of strategies to implement the findings of ACHPR at a national level. The lack of understanding of both the work of the Commission and the role of Member States in the promotion and protection of human rights, low levels of public education and awareness programmes by ACHPR, attempts at political interference, financial challenges and human resource limitations; perception among States Parties that recommendations of the Commission are not legally binding; lack of political will by some States Parties to implement the Commission's recommendations, including provisional measures; and general reluctance by States to engage with continental mechanisms as opposed to international mechanisms such as the United Nation's Universal Periodic Review (UPR).

Furthermore, in as much as States have made significant progress to comply with this obligation, in line with Article 62 of the African Charter, in part thanks to the Commission's training initiatives, 18 State Parties are late by three or more reports.³⁹ As of June 2019, there are five Member States (Comoros, Equatorial Guinea, Guinea Bissau, Sao Tome and Principe

²⁹ Amnesty International, *The State of the African Regional Human Rights Bodies and Mechanisms 2018-2019*.

³⁰ August 2017 first regional seminar for the West, Central and Northern regions of the Continent & September 2018 first regional seminar for East and Southern Africa with the Support of EU (PANAF Program).

³¹ The 5 States that have never submitted a report are namely, Comoros, Guinea-Bissau, Equatorial Guinea, Sao Tomé and Príncipe, Somalia and South Sudan.

³² African Commission's 38th Activity Report.

³³ African Commission's 47th Activity Report.

³⁴ African Commission's 38th Activity Report.

³⁵ African Commission's 47th Activity Report.

³⁶ African Commission's 42nd Activity Report Para 49.

³⁷ African Commission's 43rd Activity Report para 37.

³⁸ African Commission's 47th Activity Report para 50.

³⁹ See <https://www.achpr.org/Staterportsandconcludingobservations> Accessed on 24 February, 2020.

and Somalia) who are yet to submit a single report since they ratified the Charter and only 13 State Parties are up to date on their reporting obligations under the Maputo Protocol.⁴⁰ None have submitted reports to the Kampala Convention. Although civil society reports are submitted to the Commission on the human rights situation on the continent, they do not replace mandatory State reports. Delay of reports or failure to submit reports in totality hamstrings the Commission's protective mandate. The African Commission, through the Reporting Procedures and Guidelines, has stated that one of the most effective means by which the Commission can ensure the promotion and protection of human rights is the State reporting procedure.

The Commission's protective mandate is also achieved through Special Mechanisms such as missions conducted by the Commission through Special Rapporteurs and Working Groups. Yet, some State Parties were either slow or did not respond to requests for promotion missions and to urgent appeals. Furthermore, there are challenges to effective and sustained communication between the Commission and State Parties, which together with other challenges such as ineffective dissemination of the recommendations of the Commission at the national level,⁴¹ are weighing down on the Commission's success. This is exacerbated by limited implementation of recommendations made by the Commission, which is partly due to the absence of an interactive mechanism to see through the implementation.

While efforts to address follow up are underway, a decision by the Executive Council to set up a monitoring and implementation committee to track the responsiveness of Member States to the work of the Commission is yet to be operationalised. State Parties should put in place an accountability mechanism for State Parties who breach their Charter obligations as well uphold independence and impartiality of the Commission. The Commission also remains less visible on interpretation as this issue is not aimed for the broader public and demands for interpretation are often made by AU organs or Member States.

The Commission had limited success in developing engagement frameworks with national actors to support the execution of its mandate. In particular, the previous strategic period witnessed a limited use of the coordination and collaborative role of the Network of African National Human Rights Institutions (NANHRI) to promote the engagement and flow of information between NHRIs and the Commission.

Institutional capacity can enable or handicap an organ. The Commission faced several challenges on this front:

- Inadequate staffing levels and financial resources that delay the adoption and publication of Concluding Observations on State Reports, as well as the handling of correspondences/Communications;
- The Commission is severely understaffed with most of the staff being interns, and many are Anglophone hampering the equal coverage of human rights issues in non-English speaking countries;
- There is no clear division of tasks between protection and promotion officers;
- Unlike the African Court, the Commission lacks a permanent chairperson that can ensure proper oversight of the work of the Secretariat, which would have resolved many of the current issues; and

⁴⁰ The State of African Regional Human Rights Bodies and Mechanisms 2018-2019, Amnesty International, 2019, <https://www.amnesty.org/download/Documents/AFR0111552019ENGLISH.PDF>

⁴¹ ACHPR, 'Report of the Second Regional Seminar on the Implementation of Decisions of the African Commission on Human and Peoples' Rights' 04-06 September 2018, Zanzibar, Tanzania, <https://www.achpr.org/news/viewdetail?id=3> Accessed on 24 February, 2020.

- Multiplicity of focus areas not commensurate with the number of commissioners to ensure adequate coverage.

A detailed matrix on the implementation of the Strategic Plan 2015-2019 is available in Annex 1.

Lessons Learnt

There are several lessons that have been drawn from assessment of implementation of the Commission's 2015-2019 Strategic Plan and generally the Commission's undertakings to promote and consolidate democracy, good governance, respect for human rights and adherence to the rule of law.

- The Performance Audit by the Office of Internal Audit on the Commission in 2018 indicated that the Annual Work Plan for the years 2015 to 2018 mainly details the list of activities such as meetings of AU Policy Organs, Sessions, activities and missions on Special Mechanisms. The Annual Work Plan lacks systematic alignment and cohesion with the strategic plan. From the Activity Reports and other reports of the Commission, it is difficult to establish the alignment of the activities undertaken by the Commission with its strategic plan. It is therefore paramount that the Annual Work Plans and reports of the Commission take into consideration the various targets outlined in its strategic plan to ensure that such reporting can expressly reflect the targets.
- To achieve the outcomes and outputs outlined in the Strategic Plan, it is necessary to prioritise targets provided in the implementation matrix. The Commission should prioritise the targets outlined in this strategic plan's implementation matrix with the objective to ensure that deliberate progress is attained in the prioritised areas.
- The Commission should ensure that its strategic plan remains part of its agenda during all its sessions as well as during inter-sessions. This will be useful in helping the Commission to track progress or regression.
- The Commission faces acute staffing challenges. The Commission should find innovative ways to concentrate on fewer activities that can be carried out effectively within its staffing capabilities that would have a greater impact.
- Due to its lean staff, the Commission should increase its engagement with AU institutions and organs especially the PRC Sub-Committee on Democracy, Governance and Human Rights, AGA Platform Members that work directly on matters touching on human rights with the objective to build synergy, reduce duplication of efforts and ensure concerted and collective efforts. This could entail increasing joint planning and joint implementation of activities with the African Court, ACERWC, APRM, PRC etc.
- To ensure effective tracking of and learning from Strategic Plans, effective monitoring, evaluation and learning is necessary. The Commission should establish a monitoring, evaluation and learning unit that will periodically track progress, identify areas for improvement and/or those that require shifts and will ensure learning is continuous throughout the process for greater impact and results.
- The Commission operates with Commissioners on a part-time basis, unlike other AU organs that at least have a partial permanent steering.
- Knowledge generation and access of the Commission's observations, general comments, recommendations are important to the realisation of the Commission's mandate. The Commission should focus on building knowledge of and enhancing

accessibility of its work and their results. The statistical data provided should be aligned with indicators outlined in the Strategic Plan.

- The low compliance with its recommendations and limited visibility across the Continent, necessitates that the Commission should engage a wide range of citizens (for example youth and women through the AGA High Level Dialogues and Pre-forums) as well as artists, creatives, activists, communicators, philanthropists and others. This can generate increased demand by citizens for compliance.
- Limited political will from State Parties to implement the Commission's recommendations, including provisional measures impairs effective promotion and protection of human rights. It is necessary to support, collaborate and urge State Parties to commit to implementation through political engagements with Member States.
- The existence of regressive laws, policies and institutions in some State Parties constrains the realisation of human and peoples' rights as provided under the African Charter and other AU human rights instruments. It is important to strengthen the creation of laws, institutions or reform/review existing law and institutions to establish a conducive legal, policy and institutional environment.
- The state of human rights is a key indicator of peace and security, or the lack thereof. The Commission plays and should enhance collaboration with other early warning systems for conflict prevention.

3 Strategy Development Approach and Methodology

The Commission adopted a participatory, inclusive and iterative approach to the development of the ACHPR Strategy to ensure ownership and legitimacy by the Commission as well as relevant stakeholders. Learning from past experiences and in particular the status of implementation of the 2015-2019 strategy, the process sought to ensure that the goals, outputs and activities are well aligned to the core mandate of the Commission, priorities and pressing needs on human rights protection and promotion in Africa.

The strategy development process was initiated, driven and owned by the Commission under the guidance of the Working Group on Specific Issues Related to the Work of the African Commission. The Working Group developed Terms of References for the process. The Terms of Reference were discussed and deliberated during the 65th Ordinary Session that took place in Banjul from 21 October - 10 November 2019.

3.1 Desk Review and Analysis

The desk analysis entailed a background review and analysis of the previous Strategic Plan 2015-2019 of ACHPR as well as previous assessments by partners and non-State actors of its work and impact. It included a review and analysis of relevant base legal instruments, policies, resolutions of ACHPR. Due attention was paid to the annual activity reports to the Executive Council which provided an overview of its activities, initiatives and deliverables. The review also included various internal and external assessments as well as financial and administration audit reports.

The internal and external environment including the contemporary human rights issues of concern for the Strategic Plan period were also examined. A review of relevant AU policy organs especially on implementation of Agenda 2063 and the 10 Year Implementation Plan as well as the 10 Year Human Rights Action Plan was undertaken to ensure alignment and

inspiration. The main guiding legal framework on mandate, priorities and scope of the review was the African Charter and related human rights instruments including the Maputo Protocol and the Protocol to the African Court given the complementary nature of the relationship between the Commission and the African Court. The review also entailed relevant international human rights norms and standards as well as developments in the international human rights system such as the UPR process. The synthesised analysis of the desk review informed the background and contextual basis for the strategic development process, SWOT (see Annex 2) and stakeholder analysis (see annex 3) as well as the overall goal, strategic outcomes, outputs and indicative activities.

3.2 Consultations and Engagement of Stakeholders

To ensure ownership, legitimacy and credibility, the process of developing the strategy was open to contributions from all stakeholders including AU Member States, African citizens, NHRIs, CSOs, international non-governmental organisations, development partners among others (see survey questions in Annex 4).⁴²

Furthermore, consultations included remote interviews via telephone and skype with past and current members of the Commission, ACHPR Secretariat and AGA Platform Members. While some in person consultations were held prior to the onset of COVID19, after the onset, consultations were largely held remotely. Acknowledging regional and linguistic diversity of members of the Commission as well as human rights actors in Africa, consultations were conducted in the four official languages of the AU. Validation of the processes, methodology and Strategy was held in an iterative process during the 27th Extra Ordinary Session (1 March 2020); a dedicated session with the Working Group on Special Issues (28 September 2020); and the 67th Ordinary Session (30 November 2020).

4 Strategic Plan Goals and Description

4.1 Vision, Mission, Guiding Principles and Values

The **Commission's Vision** is "An Africa characterised by respect for and observance of human rights, where the rights guaranteed under the Charter are known and advocated for and by African people; and promoted, protected, respected and fulfilled by State Parties."

The **Mission of the Commission** is "to promote, monitor and protect the human and peoples' rights guaranteed in the African Charter".

Principles and Values

In line with the African Charter, the Maputo Protocol and the Commission's Rules of Procedure 2020, the **principles and values** that guide and inform the development of this Strategic Plan as well as its implementation and monitoring include:

- a. **Competence and accountability:** The internal decision making and implementation processes should be informed by adequate knowledge, skill, judgment and efficiency and should embody the elements of transparency, accountability, inclusiveness and responsiveness. This is demonstrated in the Commission's endeavour to hire, invest and

⁴² This was done through a survey which was shared publicly on different online platforms of the Commission and other AU institutions such as the African Union Commission and the AGA platform. The questionnaire was also distributed to Member States, AU organs and NHRIs of AU Member States.

retain competent members of staff who have the commitment to human rights and to professional excellence;

- b. **Equity, non-discrimination, and inclusiveness:** The Commission shall ensure that it upholds equity, non-discrimination and inclusiveness in the implementation of this Strategic Plan and exercise of its mandate generally.
- c. **Equality:** In line with the standards set out in the African Charter, the Commission shall treat all individuals who seek to access and obtain redress from it without distinction.
- d. **Gender Justice:** The Commission shall uphold the rights of women and girls which will contribute to transformation of regressive social and cultural norms and practices. The Commission will take into account the experiences and challenges encountered by different groups of women – rural, urban, young, elderly, widowed, women with disabilities etc.
- e. **Impartiality and Independence:** The Commission shall in its methods of work, selection of Commissioners, relationship with AU Organs and institutions, State Parties, NHRIs, CSOs and other partners exercise independence and impartiality. The recommendations of the Commission shall be founded on an objective criterion and shall treat all parties without fear, favour and prejudice. This is critical to the effective discharge of the mandate of the Commission as well as its reputation, trust and acceptability.
- f. **Integrity:** The Commission shall be committed to integrity both in theory and practice. This means that the Commission shall be consistent in its actions, values, measures, methods, and principles. This is critical to safeguarding the reputation and acceptability of the Commission.

Cross-Cutting Issues

Building on the guiding principles and values outlined above, the following cross-cutting approaches are critical to the realisation of the overall goal and outcomes of the Strategic Plan.

- a. **Working in collaboration and coordination with relevant stakeholders:** To maximise resources, avoid duplication of efforts and leverage the strengths and comparative advantages of each of the stakeholders in the execution of the Commission's mandate.
- b. **Harnessing technology and innovation:** this will be central to advancing and implementation of the overall goal and outcomes of the Strategic Plan.
- c. **Building on the lessons learnt in the implementation of the previous strategic plans:** This is crucial to consolidating the achievements already attained, avoiding repetition of past mistakes, building on and reinforcing the gains and effective implementation as well as monitoring of this strategic plan.

These principles and cross-cutting issues have been the basis for designing and implementing the African Commission's previous strategic plans and reflect the standards and principles enshrined in the AU Shared Values such as the African Charter and ACDEG.

4.2 Strategic Goals, Outcomes and Outputs

Over the next Strategic period, the overall goal is a **revitalised mandate and capacity of the African Commission to promote and protect human and peoples' rights in Africa.**

Based on the lessons learned from the implementation of the previous strategy and the context in which the Commission will operate in the coming years, five strategic outcomes were adopted to guide the work of the Commission under the Strategic Plan (2021-2025) (See

Figure 1).

- a. Enhanced delivery of the Protection Mandate;
- b. Strengthened legal systems and institutional frameworks at the national level for the promotion and protection of human and peoples' rights
- c. Improved knowledge, public awareness about and engagement with the Commission among the wider African public especially women and youth;
- d. Enhanced monitoring, follow up and tracking of compliance by State Parties; and
- e. Strengthened human, financial and technical resources for the Commission.

4.2.1 Enhanced delivery of protection mandate

To ensure the Commission effectively carries out its protection mandate, this Strategic Plan focuses on the following 3 output areas:

1. Effectiveness of the Communications handling procedure improved;
2. Capacity to prevent, address and respond to gross and massive human rights violations bolstered; and
3. Complementarity between and among the Commission, the African Court and the ACERWC reinforced

Rationale

The African Charter under Article 45 (2) provides that the functions of the Commission shall include ensuring the protection of human and peoples' rights under conditions laid down by the Charter. The protection mandate of the Commission is mainly constituted by complaints (Communications) of violations of human and peoples' rights provided for under the Charter. The complaints are instituted by individuals and civil society organisations against State Parties or by one State Party against another. The communications procedure has three progressive stages namely: seizure, admissibility and merits.

The Commission can undertake two forms of protective missions: on-site missions and fact-finding missions.⁴³ On-site missions are conducted when a number of communications are instituted against a State Party.⁴⁴ Fact-finding missions are undertaken in situations where an allegation or report of a wide-ranging nature is made against a State Party.⁴⁵ During protection missions, State Parties have an obligation 'to refrain from taking reprisal action against persons or entities that furnished the mission with information, testimony or evidence; guarantee free movement of members of the mission including any necessary internal authorisation; provide the mission with any information or document which the mission considers necessary in order to prepare its report; and take steps to protect members of the mission.'⁴⁶

The Commission has taken steps to clear communications and issue urgent appeals as intervening measures in urgent situations or matters posing imminent danger of irreparable harm to individuals. For example, between November 2018 and May 2019, the Commission

⁴³ Centre for Human Rights, University of Pretoria, A Guide to the African Human Rights System: Celebrating 30 years since the entry into force of the African Charter on Human and Peoples' Rights 1986 – 2016 (2016) p 34.

⁴⁴ As above.

⁴⁵ As above.

⁴⁶ As above p 35.

issued a total of 83 Urgent Appeals and five Provisional Measures.⁴⁷ In addition, the Commission has also been undertaking fact-finding missions in various State Parties.

Article 2 of the Protocol to AfCHPR provides that the Court shall ‘complement the protective mandate of the ACHPR.’ The relationship between the two institutions has been explained and interpreted in the 2020 Rules of Procedure of ACHPR. According to Rule 129, the Commission is required to meet with the Court, at least once a year and whenever its necessary, to consider matters of mutual interest. The Bureau of the Commission and the Court’s Bureau may meet as frequently as necessary to carry out any functions assigned by the two institutions. Under Rule 130, the Commission may refer a communication to the Court where the respondent State has ratified the Court’s Protocol. The Commission in line with Article 6(1) of the Court’s Protocol may give its opinion on admissibility of a case pending before the Court.⁴⁸ The Commission considers State reports, when States report on the measures they have adopted to implement the Charter. This enhances complementarity because the Commission may require States to report on the status of the implementation of all human rights decisions including those rendered by the African Court.

The two institutions have continued to strengthen their relationship and consolidate the complementarity envisaged in the Protocol. For the first time in 2011, and in response to numerous allegations of human rights violations in Libya, the Commission referred a case to the African Court. Out of the 238 applications received by the Court by September 2019, 3 Applications were received from the Commission and 4 were transferred to the Commission.⁴⁹

Special Rapporteurs established by the Commission conduct country visits. Through such visits, the Special Rapporteurs could enhance the complementarity of the two institutions by engaging national authorities as to reasons for non-implementation of certain decisions of the African Court and consequently and systematically transmitting that information to the Court.

However, this complementarity is undermined by several challenges. The Commission’s capacity to transfer cases to the Court is limited by the fact that only eight States deposited the declaration to allow NGOs and individuals to access the African Court directly. In addition, the transfer of cases does not galvanise support as this has in the past been seen as rendering the Commission a party on behalf of the victim. The lack of the necessary qualified human resources to support the Commission in preparing litigation files to transfer to the Court has been a major challenge. At times, interpreting internal rules posed a further challenge as questions were raised for instance on whether the Commission has the right to retract. The Commission’s new rules of procedure could help overcome some of these blockages.

The Commission has faced multiple challenges in the execution of its mandate. Some of the challenges include:

1. Backlog of communications;
2. Inadequate implementation of the Commission’s by State Parties recommendations including provisional measures;
3. Lack of a dedicated implementation unit and monitoring mechanisms at the Secretariat of the Commission to regularly monitor implementation of its decision; and
4. Limited use of the coordination and collaborative role of the Network of African National Human Rights Institutions (NANHRI) to promote the engagement and flow of

⁴⁷ Amnesty International, *The State of the African Regional Human Rights Bodies and Mechanisms 2018-2019*.

⁴⁸ Rule 131 of the Rules of Procedure of the African Commission on Human and Peoples’ Rights, 2020.

⁴⁹ See <https://www.african-court.org/en/index.php/cases/2016-10-17-16-18-21> Accessed on 23 February, 2020.

information between NHRIs and the Commission.

Output areas

a) Effectiveness of the Communications handling procedure improved

The challenge of a backlog of cases has been a persistent one for the Commission. As indicated in the Matrix on the Implementation of the 2015-2019 ACHPR Strategic Plan, statistical analysis shows that the Commission is struggling to effectively deal with backlog of communications. For example, the Commission had 232 pending communications by November 2017, a significant increase of 217% from the pending 73 cases in May 2007. By May 2019, the backlog had slightly grown to 240. The Commission received 52 new communications between November 2018 and May 2019 and only cleared 31 of the total communications it had received. With Commissioners working on a part-time basis and having other responsibilities and the Commission's Secretariat having lean staff, the problem of backlog of communications has continued. It is pertinent that it improves the procedure of handling communications with the aim of ensuring efficiency and effectiveness. The indicative activities for this output include:

- i. Mobilise adequate human and technical resources of the Secretariat, taking into account linguistic diversity, dedicated to handling communications to enhance capacity and efficiency of the protection mandate;
- ii. Develop and implement an electronic communications handling system;
- iii. Designate sessions to exclusively deal with communications;
- iv. Develop, adopt and disseminate a comprehensive communications handling manual

b) Capacity to prevent, address and respond to gross and massive human rights violations bolstered

To discharge its protective mandate effectively, the Commission should improve its capacity to prevent, address, and respond to gross and massive human right violations as per Article 58 of the Charter. As noted in the Commission's 2019 study on *Addressing Human Rights Issues in Conflict Situations*, due to its mandate and the character of its activities, the Commission is regularly and continuously involved in addressing human rights in conflict situations.⁵⁰ According to the Study, the Commission faces five challenges in conflict situations namely, the protection challenge, promotion challenge, challenges in remedying violations occasioned by conflict, challenge of prevention and the challenge of coordination and synergy with the relevant AU Mechanisms. Based on these challenges, the Study urged the Commission to consider taking an approach that is based on following priorities: Monitoring and response; Prevention; Mainstreaming of human rights into conflict prevention, management, resolution and post-conflict reconstruction and development; Remedial action; and Institutional coordination and synergy with the institutions identified above including through operationalisation of Article 19 of the PSC Protocol, for example through annual consultative meetings and development of early warning systems.

The Communiqué of the 866th meeting of the PSC on its consultation with ACHPR held in August 2019 underscored the need for the Commission to provide early warning briefings on the state of human rights to the PSC. It also highlighted the need for the Commission's

⁵⁰ See African Commission on Human and Peoples' Rights, *Addressing Human Rights Issues in Conflict Situations: Towards A More Systematic and Effective Role for the African Commission on Human and Peoples' Rights* (2019) pg xii-xiii.

Secretariat to 'propose a modality for the establishment of a coordinated early warning mechanism on human rights issues on the Continent' between itself and the PSC. This emphasises the utility of the Commission's early warning and early response to conflict and emergency situations. The indicative activities for this output include:

- i. Develop collaboration and working methods with the AU Assembly the Executive Council, Peace and Security Council and the PRC Sub-Committee on Democracy, Governance and Human Rights
 - ii. Enhance capacities of the Commission to monitor, track, analyse, report and respond to human rights violations throughout the entire conflict cycle and emergency situations
 - iii. Develop collaboration and working methods with other AU organs, institutions, and mechanisms to protect human rights violations in conflict and emergency situations
 - iv. Convene periodic briefings to the PSC and PAP on the state of human rights in Africa
 - v. Timeously issue and encourage State Parties to respond to urgent appeals and letters of concern;
 - vi. Promote the AU Transitional Justice Policy and provide support to Member States to implement transitional justice measures and processes
- c) Complementarity between and among the Commission, the African Court and ACERWC reinforced**

The complementary relationship between the Commission and the African Court is critical to the realisation of the protection mandate. The indicative activities for this output area include:

- i. Carry out joint planning and joint sessions/retreats
- ii. Establish and adequately resource a litigation unit dedicated to transfer and/or litigate cases before the African Court;
- iii. Implement the case referral guidelines;

4.2.2 Strengthened legal systems and institutional frameworks at the national level for the promotion and protection of human and peoples' rights

To strengthen legal systems and institutional frameworks at the national level for the promotion and protection of human and peoples' rights, two output areas are proposed:

- a) National norms, processes, systems and institutions for the protection and promotion of human rights refined
- b) Capacity of national institutions with human rights mandate bolstered

Rationale

National norms, systems and institutions for the promotion and protection of human rights at the national level are critical to ensure compliance with Member States' obligations under the African Charter. Article 1 requires State Parties to undertake legislative or other measures to give effect to rights, duties and freedoms enshrined in the Charter. Moreover, the AU has adopted an array of progressive norms on human rights, governance, and the rule of law. While the Continent has recorded some gains on human rights and democratic governance, the promotion and protection, as well as the effective internalisation of the norms and obligations outlined in the African Charter remains a serious challenge.

The internalisation and implementation of human rights obligations provided under the African Charter and other AU legal frameworks requires robust national legal and institutional infrastructures. These infrastructures may be directly involved in the promotion and protection of human and peoples' rights or they may exercise oversight functions. Upon the request of Member States, the Commission will engage and support them to strengthen their national legal regimes and infrastructure for protection and promotion of human rights.

Output areas

a) National norms, processes, systems and institutions for the protection and promotion of human rights refined

The Commission will provide technical support to Member States in the process of domestication and implementation of the Charter. This may include norms adoption and reform of laws, enhancing capacity of institutions and the review or reform of existing legislation or institutional infrastructures to ensure compatibility with obligations and duties under the African Charter and other AU human rights instruments. This is key towards internalisation, promotion and protection of human and peoples' rights. Sound legislation and institutional infrastructures anchor the necessary processes that enhance effective response to challenges that undermine the realisation of the rights and freedoms contained in the African Charter and other AU human rights instruments. The indicative activities for this output include:

- i. Provide technical Member States to adopt and reform laws and policies and strengthen institutions that enhance adherence to state obligations under the African Charter;
- ii. Promote and support Member States to ratify, domesticate and implement AU instruments on human rights
- iii. Provide support to national mechanisms to facilitate implementation of recommendations/Concluding Observations of the Commission

b) Capacity of national institutions with human rights mandate bolstered

To support and amplify the work of national institutions with a human rights mandate, it is useful for the Commission to jointly work with them and promote their visibility. This will ensure that more people at both national, regional and continental levels become aware of and know about the functions of the national institutions and their utility in contributing to the realisation of human rights, duties and freedoms. This may also incentivise other stakeholders to support national institutions through provision of technical, financial, and human resources.

The Indicative activities for this output include:

- i. Work jointly with NHRIs, CSOs and Human Rights Defenders in organisation of and participation in events to mark human rights days and milestones;
- ii. Provide technical support to national institutions such as prisons, police service, truth and reconciliation commissions etc. to ensure that their policies, practices and decisions uphold the human rights standards outlined in the African Charter;
- iii. Include the milestones attained by and challenges facing various NHRIs, CSOs, Human Rights Defenders especially women and youth in the biennial State of Human Rights Africa Report;

4.2.3 Improved knowledge, public awareness about and engagement with the Commission by the wider African public especially women and youth

To ensure that the Commission effectively carries out its promotional mandate, generates knowledge, raises public awareness and effectively engages with African citizens, this Strategic Plan focuses on the following 5 output areas:

1. Promotional missions revitalised ;
2. Consistency in initiation and formulation of norms and standards streamlined ;
3. Capacity and efficiency of Special Mechanisms for effective implementation of the core mandate of the Commission enhanced
4. Cooperation and collaboration between the African Commission and its special mechanisms with UN Special procedures strengthened; and
5. Visibility of the Commission and service as a repository of information on human rights in Africa reinforced.

Rationale

The visibility, improved knowledge, public awareness about and engagement with the Commission by the wider African public particularly women and youth are important to the realisation of the Commission's mandate. The increase in the number of communications filed before the Commission shows the increase in visibility of the Commission over the years. However, as indicated in the Matrix on the Implementation of the 2015-2019 ACHPR Strategic Plan, one of the shortcomings the Commission still faces is the lack of an effective and sustained communication, interaction and engagement with stakeholders such as women, youth, media, academia, professional associations and private sector generally.

Although the Commission has existing relationships with States, NHRIs, and CSOs, it is necessary to strengthen these relationships while at the same time build new relationships with media and academia at national, regional and continental levels, professional associations such as bar associations, trade unions, youth and women groups including those outside the human rights community. This will be critical to promoting knowledge and public awareness of the Commission's mandate and activities. It will increase the visibility of the Commission's work beyond the human rights community, bridge the knowledge gap between the Commission's work and wider African public and most importantly inform policy making across the Continent.

Article 45(1) of the Charter provides the basis for the Commission to generate knowledge, raise public awareness and engage different stakeholders such as youth and women on human and peoples' rights in Africa. In addition, Article 46 of the African Charter provides that 'the Commission may resort to any appropriate method of investigation' in undertaking its responsibilities'. A similar inference may be made from Article 45 of the African Charter.⁵¹ In line with these provisions, the Commission has established special mechanisms constituting special rapporteurs and working groups. Special mechanisms undertake promotional activities through country visits, investigate human rights violations and carry out research on human rights issues.⁵²

⁵¹ Centre for Human Rights, University of Pretoria, A Guide to the African Human Rights System: Celebrating 30 years since the entry into force of the African Charter on Human and Peoples' Rights 1986 - 2016 (2016) p 32.

⁵² As above.

Investigative missions covering violations pertaining to specific crises can be led by the Commission or can be mandated by the PSC or the Executive Council of the AU. Special rapporteurs are appointed from members of the Commission while working groups may be made up of both commissioners and independent experts.⁵³ Special mechanisms are essential to raising awareness, knowledge generation and engaging various stakeholders on promotion and protection of human rights in Africa. However, as noted in the Matrix on the Implementation of the 2015–2019 ACHPR Strategic Plan, at times Special Mechanisms carry out their work in silos which risks fragmenting the Commission’s work and undermining its mandate. Notably, the 2020 Standard Operating Procedures on the Special Mechanisms of ACHPR encourage Special Mechanisms to take joint action whenever it is appropriate to do so, for example, where there are cross-cutting issues that relate to multiple mandates.⁵⁴

Since 1996, the Commission has been conducting promotional missions to sensitise Member States about their obligations under the African Charter, encourage those that have not ratified the Charter or other human rights instruments to ratify them and/or to urge non-reporting State Parties to comply with their reporting obligations.⁵⁵ The Commission has also adopted thematic and country specific resolutions and guidelines covering a broad range of themes such as the death penalty, freedom of association, situation of women and children, socio-economic rights, indigenous peoples, HIV/AIDS, electoral processes and good governance, prisons, and fair trial.⁵⁶

The Commission has also adopted country specific resolutions focused on germane human rights concerns in Member States.⁵⁷ This has particularly been instrumental in situations where widespread violations of human rights has been experienced in a Member State.⁵⁸

However, the Commission and the special mechanisms in particular, have encountered several challenges in the quest to discharge the promotional mandate of the Commission, raising public awareness and stakeholder engagement. These challenges include:

- The work of the Special Mechanisms has tended to overshadow the core mandate of the ACHPR – protection especially in view of limited resources;
- Slow responses from State Parties on requests for Promotion Missions;
- Unclear, ad hoc and inconsistent process of initiating and formulating norms and standards;
- Promotional missions are dependent on the consent of States which is not always given;
- Insufficient resources;
- Lack of a dedicated implementation or monitoring unit/mechanism at the Commission’s secretariat to regularly monitor implementation of its recommendations of promotional missions and visits.

⁵³ As above.

⁵⁴ The Commission Special Mechanisms include: Special Rapporteur on Prisoners, Conditions of Detention and Policing in Africa (1996); Special Rapporteur on Rights of Women (1999); Working Group on Indigenous Populations/Communities in Africa (2000); Special Rapporteur on Freedom of Expression and Access to Information (2004); Special Rapporteur on Human Rights Defenders; Special Rapporteur on Refugees, Asylum Seekers, Migrants and Internally Displaced Persons; Committee for the Prevention of Torture in Africa; Working Group on Economic, Social and Cultural Rights; Working Group on Death Penalty and Extra-judicial, Summary of Arbitrary Killings in Africa (2005); Working Group on Rights of Older Persons and People with Disabilities (2007); Working Group on Extractive Industries, Environment and Human Rights Violations (2009); and Committee on the Protection of the Rights of People Living with HIV and Those at Risk, Vulnerable to and Affected by HIV (2010)

⁵⁵ Centre for Human Rights, University of Pretoria, A Guide to the African Human Rights System: Celebrating 30 years since the entry into force of the African Charter on Human and Peoples’ Rights 1986 – 2016 (2016) p 34.

⁵⁶ As above p 36.

⁵⁷ As above p 37.

⁵⁸ As above.

Output areas

a) Promotional missions revitalised

Considering the challenges highlighted above, the Commission requires a revitalisation of its promotional missions to effectively discharge its promotional mandate, raise public awareness and engagement. The key indicative activities for this output area include:

- i. Undertake joint promotional missions with other AGA Platform Members such as the Court, APRM, PAP and UN special procedures with the aim to leverage on their experience, practical knowledge and relationship with State Parties;
- ii. Meaningfully engage women, youth, minorities and other marginalised groups including those outside the human rights community during promotional missions to State Parties;
- iii. Strengthen relationships with media, academia and the creative industry professional associations such as bar associations, trade unions at national, regional and continental levels;
- iv. Provide technical support to Member States and follow up on implementation of recommendations during promotional missions.

b) Consistency in initiation and formulation of norms and standards streamlined

Following *the ad hoc* process of initiating and formulating norms and standards, it is important for the Commission to develop a clear criteria and guidelines for the development and adoption of norms and standards aimed at enhancing its promotional mandate, raising public awareness and engagement. The indicative activities for this output include:

- i. Develop, adopt and implement guidelines on the criteria for initiation and formulation of norms and standards by the Commission;
- ii. Popularise and disseminate the guidelines upon their adoption among relevant stakeholders.

c) Capacity and efficiency of Special Mechanisms for effective implementation of the core mandate of the Commission enhanced

To ensure effective and efficient discharge of responsibilities, knowledge generation, public awareness, and engagement by special mechanisms the following indicative activities are proposed.

- i. Review and align the existing special mechanisms with the core mandate and priorities of the Commission and streamline their working methods in line with the New Guidelines on Special Mechanisms.
- ii. Provide technical support and follow up of the recommendations made by special mechanisms

d) Cooperation and collaboration between the African Commission and its special mechanisms with UN Special procedures strengthened

Cooperation and collaboration between African Commission and its special mechanisms with the UN Special procedures will provide an opportunity for the Commission to leverage on the

experience and practical knowledge of the UN Procedure to promote and protect human rights in Africa. The indicative activities for this output area include:

- i. Implement the Addis Ababa road map;
- ii. Undertake joint activities and missions with the UN Special procedures

e) Visibility of and engagement with the Commission and service as a repository of information on human rights in Africa reinforced

To address the limited awareness and visibility of the Commission, it is important for the Commission to enhance its visibility to ensure more African peoples are aware, informed and are knowledgeable about the mandate of the Commission. This will be useful to the promotion of human rights on the continent particularly because more people will have access to information and knowledge about the activities and mandate of the Commission and will be able to seek redress. The indicative activities for this output area include:

- i. Adopt and implement robust knowledge management, communication and visibility strategies;
- ii. Jointly organise with various stakeholders including AGA Platform Members, NHRIs and civil society actors, promotional activities including seminars on the sidelines of the sessions of the Commission;
- iii. Increase the use of traditional and new media, the arts, technology and innovation to increase the level of awareness of the African Commission;
- iv. Enhance engagement and interaction with African citizens particularly youth and women;
- v. Generate, publish and widely disseminate a biennial State of human rights in Africa report
- vi. Jointly organise and participate in events to mark human rights days and milestones

4.2.4 Enhanced monitoring, follow up and tracking of compliance by State Parties

To ensure effective reporting by State Parties and NHRIs and compliance with the recommendations of the Commission, this Strategic Plan focuses on the following 5 output areas:

1. Compliance with State Parties' reporting obligations improved;
2. Structured engagement of civil society and NHRIs in State reporting procedures intensified.
3. Effective monitoring, follow-up and implementation unit established and operationalised
4. Monitoring and support to Member States in the implementation of recommendations in respect to its protection and promotion mandate institutionalised

Rationale

Decisions of international human rights courts and institutions are not self-executing although their rulings may be legally binding or carry with them legal and moral force of international obligations. Therefore, it is necessary that follow-up, monitoring and tracking of compliance is

undertaken. This is important because non-compliance with decisions of treaty bodies often leaves victims of human rights violations without a remedy despite a finding in their favour.

In order to ensure States comply with their obligations under the African Charter, Article 62 of the Charter requires State Parties to submit periodic reports to the African Commission. In October 1988, the Commission adopted a general guideline on the form and content of State reporting.⁵⁹ In 1998, the Commission adopted concise Guidelines to Periodic Reporting.⁶⁰ Further, the Maputo Protocol under Article 26 places an obligation on State Parties to the Protocol to include in their periodic report to the Commission under Article 62 of the African Charter, a report on legislative or other measures taken to implement the provisions of the Protocol. In 2009, the African Commission adopted Guidelines for Reporting on the Women's Protocol and in 2010, the Commission adopted Guidelines for Reporting on Economic, Social and Cultural Rights.⁶¹

The African Charter provides for two types of reports: initial reports and periodic reports. Initial reports are to be submitted by a State Party two years after the ratification or accession to the African Charter and periodic reports are to be submitted every two years after the initial report. The State reporting mechanism provides a forum for constructive dialogue between the Commission and State Parties.

To complement State reports, NHRIs that have an affiliation status with the Commission submit reports on their activities every two years. CSOs that have been granted observer status by the Commission also submit shadow reports to the Commission. Shadow reporting is important to the work of the Commission as it makes the Commission aware of human rights issues that may have been overlooked in State reports.

In accordance with Article 62 of the African Charter, the Commission has been receiving State reports, although 5 States have never submitted a report to the Commission (Comoros, Guinea-Bissau, Equatorial Guinea, Sao Tomé and Príncipe, and Somalia). A significant number of States have also not been up to date with their State reporting obligations. For example, only 13 State Parties are up to date on their reporting obligations under the Maputo Protocol and none have reported on the Kampala Convention. Furthermore, NHRIs have been lagging behind in submitting reports on their activities. Moreover, compliance with the recommendations of the Commission both under its protection mandate and promotion mandate has been low.

Output areas

a) Compliance with State Parties' reporting obligations improved

Enhanced compliance with State reporting obligations is critical to the promotion and protection of human rights in Africa. With enhanced State reporting, the Commission will be well placed to ascertain human rights issues that require its attention. The indicative activities for this output area are:

⁵⁹ Centre for Human Rights, University of Pretoria, A Guide to the African Human Rights System: Celebrating 30 years since the entry into force of the African Charter on Human and Peoples' Rights 1986 – 2016 (2016) p 27.

⁶⁰ As above.

⁶¹ As above.

- i. Jointly develop consolidated State reporting guidelines with AGA Platform Members that will enable State Parties to submit one harmonised report that fulfils their reporting obligations for the various instruments they are party to;
- ii. Deepen engagement and consultations with State Parties on their obligations to report during sessions of the Commission and during promotion missions;
- iii. Encourage and support State Parties that have not yet reported to submit their reports;
- iv. Provide technical support to Member States in implementing concluding observations and general comments and of State reports

b) Structured engagement with civil society and NHRIs in State reporting procedures intensified

CSOs and NHRIs can play a critical role in ensuring and enhancing States' compliance with their reporting obligations which ultimately leads to better protection of human rights in Africa. The indicative activities for this output area include:

- i. Increase collaboration and partnership with CSOs and NHRIs in sensitisation missions on State reporting;
- ii. Encourage NHRIs and CSOs to support State Parties with their reporting obligations;
- iii. Encourage NHRIs and CSOs to submit activity and shadow reports respectively

c) Effective monitoring, follow-up and implementation unit established and operationalised

As pointed out in the Performance Audit conducted by the Office of Internal Audit on the Commission in 2018, the 'Commission does not have a monitoring and evaluation function to track and monitor implementation and results systematically, and measure the effectiveness of the achievement of its mandate.' Lack of proper monitoring and follow-up of the implementation of the Commissions' recommendations limits the effective protection of human rights in Africa, making it necessary to establish a monitoring unit at the Commission's Secretariat. The Office of Internal Audit recommended the establishment of a monitoring and evaluation function. The indicative activities for this output area include:

- i. Establish a monitoring, follow up and implementation unit at the Commission's Secretariat;
- ii. Recruit adequate staffing and provision of funding to the monitoring unit;
- iii. Regularly and consistently engage with State Parties as well as CSOs to monitor compliance.

d) Monitoring and support to Member States in the implementation of recommendations with respect to its protection and promotion mandate

institutionalised

During and after promotional missions, the Commission makes observations and where appropriate, issues recommendations to State Parties on effective implementation of the Charter. The Commission also makes recommendations upon the hearing and determination of Communications. However, there is no clear and structured process of supporting Member States to implement the recommendations after determination of communications and observations and recommendations made during or after promotional missions despite various requests to do so.

The Performance Audit conducted by the Office of Internal Audit on the Commission in 2018 indicated that out of the 16 concluding observations adopted by Commission between 2015 and 2018, none had been implemented by the State Parties in question. In addition, the Audit noted that there was no adequate follow up mechanism on compliance with the Commission's recommendations resulting in low implementation by State Parties.

The effectiveness of the protection and promotional mandate of the Commission would be greatly enhanced if the Commission regularly monitored and tracked the implementation of its recommendations and concluding observations as well as supported Member States to implement the recommendations. The indicative activities under this output area include:

- i. Deepen and institutionalise structured engagement and consultations with Member States, the PRC Subcommittee on Democracy, Governance and Human Rights, the PSC, AGA Platform and the AUC to track and follow up on implementation
- ii. Provide technical support to Member States to implement its recommendations;
- iii. Track and monitor implementation of its recommendations

4.2.5 Strengthened human, financial and technical resources for the Commission

To strengthen human, financial and technical resources for the Commission, this Strategic Plan focuses on the following three output areas:

1. Human resource capacity of the Commission and the Secretariat improved;
2. Adequate financial and technical resources attained for the Commission; and
3. Sufficient resources and support for the construction of the African Commission headquarters mobilised.

Rationale

To effectively and efficiently carry out promotion and protection of human and peoples' rights in Africa, the Commission requires adequate human, financial and technical resources. This is particularly the case if ACHPR aspires to maintain its place as a premium human rights institution in Africa.

Despite the importance of adequate staff and financial resources for the execution of the Commission's mandate, the Commission has faced significant challenges of understaffing and underfunding. Until today, the construction of the Commission's headquarters has not been undertaken. The Commission has always had lean staff who are often overstretched. Further, the Commission faces both inefficient use of resources as well as inadequacy of financial

resources of the Commission due to insufficient funding from State Parties. These challenges are compounded by the fact that the AUC continues to manage staffing and financial resource matters from Addis Ababa. This makes it difficult to attend to staffing and human resource welfare issues timeously.

Output areas

a) Human resource capacity of the Commission and Secretariat improved

Enhanced human resource capacity is core to the effective execution of the mandate of the Commission. Without adequate human resource capacity, the Commission cannot function optimally in promoting and protecting human rights in Africa. The indicative activities for this output area include:

- i. Strengthen the capacity of Commissioners through enhancing their leadership roles, linguistic diversity, providing induction for new Commissioners and staff, and facilitating better cohesion between Commissioners and the Secretariat, as well as between the Commission and the AU;
- ii. Expedite the recruitment processes for the Commission and partake in fellowships, exchange visits and secondments to supplement full-time staff;
- iii. Effectively manage the human and financial resources and core operations of the Organisation, through a systematic program to reform the Organisation, processes, capacity enhancement and performance management of staff;
- iv. Develop and implement a policy for continuous professional development of staff including trainings;
- v. Promote team building and strengthen working modalities between the Commissioners, the Secretariat and AUC

b) Adequate financial and technical resources attained for the Commission

Inefficient use of resources in addition to insufficient funding has been a bottleneck that hinders effective implementation of the mandate of the African Commission to promote and protect human and peoples' rights on the Continent. Better use of resources as well as increasing availability of funds will significantly improve the performance of the Commission in the execution of its mandate. The indicative activities for this output area include:

- i. Adopt and implement a comprehensive resource mobilisation strategy and cost-efficient planning and procurement processes to ensure efficient use of resources
- ii. Mobilise technical, financial and human resource support from the AU and strategic partners.

c) Sufficient resources and support for the construction of the African Commission's headquarters mobilised

The construction of the headquarters of the Commission is critical to the effective discharge of its mandate. The Commission should be housed in a building and environment that inspires confidence in its status as a premier human rights institution in Africa. The indicative activities for this output include:

- i) Follow-up with the Government of the Gambia and AUC on the construction of the Commission headquarters;

- ii) Mobilise resources and support for the construction of the headquarters by 2024

5.0 Modalities for Implementation

5.1 Working Methods

The working methods of the Commission are essential to the achievement of the overall goal, outcomes and outputs of the Strategic Plan. The Commission is composed of 11 Members who serve in their personal capacity in line with Article 31 of the African Charter. In accordance with Article 42 of the African Charter, the 11 Members elect a chairperson and a vice-chairperson among themselves. The chairperson and vice-Chairperson serve for a two-year renewable term.

The Commission is headed by a bureau composed of the chairperson and vice-chairperson. The bureau, operating on a part-time basis, has the responsibility to coordinate the activities of the Commission, taking decisions on matters of emergency when the Commission is not in session and supervision of the Commission's Secretariat. This makes the bureau a central player in the implementation of the Strategic Plan.

Under the next Strategic Period, the Chairperson of the Commission will work on a full-time basis. Jointly with the Bureau, (s)he will spearhead the implementation of the Strategic Plan.⁶²

The Commission's Secretariat is headed by a Secretary who is appointed by the Chairperson of the AUC in line with Article 41 of the African Charter. The Secretariat carries out the daily technical and administrative functions of the Commission. The detailed workings of the Commission are regulated by the Commission's Rules of Procedure.

The Commission holds both ordinary sessions and extra-ordinary sessions:

a) Ordinary sessions - The Commission holds two ordinary sessions each year over 21 days . The practice has been that ordinary sessions are held in April/May and October/December.

b) Extra-ordinary Sessions - The Commission also holds extra-ordinary sessions which are convened by the Commission's Chairperson upon a request by the Chairperson of the AUC or majority of the members of the Commission. In the recent past, the Commission has established the practice of having two extra-ordinary sessions every year over 15 days - an indication that the workload of the Commission does not currently match its capacity.

5.2 Operational Management

The Commission's Secretariat will bear the primary responsibility for coordinating and where possible, implementing the activities outlined in the Strategic Plan's implementation matrix. The Secretariat will assume responsibility for the management of financial, material and human resources allocated for the implementation of the Strategic Plan in line with the AUC administrative and financial procedures. In the execution of these responsibilities, the Secretariat will be supervised by the Commission's bureau. On the internal structure of the

⁶² This is a proposal that emerged repeatedly from the consultations and should be part of the Commission's engagement with the AU Institutional reforms process for consideration as part of the new restructuring of AU organs and Institutions. Other issues raised include increasing the number of Commissioners and restructuring the Secretariat

Secretariat, the focus can be on engaging the relevant structures (AU HR) to speed up recruitments as approved.

5.3 Strategic Partnerships and Collaboration

To achieve the overall goal, outcomes and the expected outputs of this Strategic Plan, the Commission will foster partnerships with relevant stakeholders and partners within and beyond the AU human rights system. The Commission will therefore rely on collaboration, coordination and experience sharing in the implementation of the Strategic Plan in order to maximise the resources availed to it.

The Commission will collaborate with AU Organs and AGA Platform Members that have a mandate to promote and protect human rights in particular, in order to create synergy and to avoid duplication of efforts. The Commission engages AU Member States through the relevant ministries and institutions such as NHRIs considering that Member States are the primary duty bearers for human rights obligations under the African Charter. Considering their proximity to States, the Commission will collaborate with regional courts and regional mechanisms that have a responsibility to protect human rights.

The Commission will also collaborate with youth-led and youth serving as well as women's rights organisations, human rights defenders, and CSOs more generally because of their critical place in the promotion and protection of human rights in Africa. The Commission will also build relationships with academic institutions, research institutions and think tanks in Africa with the objective to tap into their expertise and knowledge on the promotion and protection of human rights in Africa. The Commission will collaborate with media outlets in Africa with the aim to increase its visibility and most importantly to popularise and promote respect for human rights across the Continent. The Commission will also work with donors, UN and other multilateral agencies to ensure the outcomes and outputs outlined in the Strategic Plan are attained. These strategic partnerships and collaborations will be instrumental to the success of this Strategic Plan by the Commission.

5.4 Financial Management

The Commission will manage the resources allocated for the implementation of this Strategic Plan in line with the AUC's financial rules and regulations as well as budgetary and accounting policies and procedures. The Commission will work towards elimination of operational bottlenecks, avoidance of unnecessary bureaucracy, enhancement of accountability, value for money and proper stewardship of resources allocated to the implementation of the Strategic Plan.

The Commission will also leverage on the operational capacities of AU organs and institutions and AGA Platform Members particularly to benefit from their respective comparative advantages and to bolster support for human rights protection and protection based on economies of scale. Importantly, the Commission will promote and ensure judicious use of resources allocated to the Strategic Plan through adoption of best practices in financial management and internal financial control systems.

5.5 Risks and Mitigation

The assessment of risks likely to be faced in the implementation of this Strategic Plan is important to the realisation of its outcomes and outputs. In addition to outlining the risks, actions to mitigate the risks are also highlighted below.

RISK	Impact	Probability	MITIGATION
Limited political will and action by some States to implement the Commission's recommendations	High	High	Commission's monitoring, follow-up and implementation unit, direct engagement and follow-up with the relevant State departments, coordination with other AU/UN organs
Perception among State Parties that the recommendations of the Commission are not legally binding	High	High	Direct engagement and follow-up with the relevant State departments, awareness raising initiatives, coordination with other AU organs such as PAP, APRM and other AGA Platform members that also engage with AU Member States.
The Commissioners work on a part-time basis, thus they have limited time to implement the Strategic Plan	High	High	The Chairperson of the Commission works on a full-time basis, the Bureau to spearhead the implementation of the Strategic Plan and establishment of an effective monitoring, follow-up and implementation unit
The Secretariat remains under-staffed	High	High	Commitment to recruit competent and dedicated staff for the Secretariat. The Chairperson shall engage with the AUC leadership with the view of expediting the HR recruitment processes as per the agreed staffing complement.
Inadequate funding to implement activities and programmes outlined in the Strategic Plan	High	Medium	Continuous sensitisation of Member States, in particular the Budget committee, for the allocation of sufficient funds to the Commission, mobilisation of funds from partners where possible, strengthening the partnership strategy with the UN system and other actors supporting the work of the Commission.
Continued centralisation of administrative processes by the AUC which may impede the pace of implementing the Strategic Plan	High	Medium	Engagement with the AUC with the view of agreeing to appropriate modalities to facilitate the work of the Commission and remove bottlenecks.

5.6 Monitoring, Evaluation and Learning (MEL)

Effective monitoring, evaluation, and learning (MEL) will be critical to the success of the Strategic Plan. The purpose of MEL will mainly be to track the implementation of the Strategic Plan, measure the effectiveness of the actions taken by the Commission, and tease the lessons and continuously feed them back into programming for greater impact.

The Commission will ensure effective MEL on the outcomes, outputs and impact. MEL will be guided by the indicators outlined in the Strategic Plan's Monitoring and Evaluation Framework.

The Commission will establish a Monitoring, Follow-up and Implementation Unit which will serve as the focal point for monitoring, evaluation and learning. MEL will also be conducted through consultative review mechanisms with relevant stakeholders.

The Monitoring, follow-up and implementation Unit will ensure timely production of quality and disaggregated data where necessary. The Activity Reports, Annual Plans and Annual Reports will reflect the indicative activities outlined in the implementation matrix. A mid-term evaluation of the implementation Plan will be undertaken in December 2021 by an independent consultant. Following the mid-term evaluation, follow-up actions will be undertaken, and necessary adjustments made. The learnings and lessons drawn will be important in informing and ensuring improved decision-making in the course of implementation of the Strategic Plan.

5.7 Knowledge Generation and Management

In the implementation of the Strategic Plan, the Commission will have a strong commitment to knowledge management, including knowledge generation, curation, dissemination and uptake. Knowledge generated through implementation of the Strategic Plan, monitoring and evaluation as well as the reports will be carefully and meticulously drafted and shared with relevant stakeholders. Essentially, reports produced after engagement with stakeholders will also be published and extensively disseminated. These reports will mainly underscore lessons learnt and good practices established in the course of implementing the Strategic Plan.

In generation of knowledge, the Commission will also leverage on its more than 30 years' experience in the promotion and protection of human rights. The Commission will also build synergy and collaboration with AGA Platform Members to generate knowledge on promotion and protection of human rights in Africa. This commitment to knowledge and learning management is important to the attainment of the overall goal, outcomes and outputs of the Strategic Plan because it ensures that implementation of the Strategic Plan is evidence-based.

5.8 Communication and Visibility

During implementation of this Strategic Plan, the Commission will be guided by its Communication Strategy to enhance communication and visibility. The Commission will work with networks of communication experts and gender-sensitive and human rights journalists to strengthen the visibility and outreach of its activities and impact in implementation of the Strategic Plan. The Commission will engage youth who constitute 65% of the Continent's population and women to increase awareness of the work of the Commission and human rights more broadly. The Commission will also rely on modern technology to urge compliance with human rights standards within the Continent. Importantly, the Commission will ensure efficient channels of communication with the relevant stakeholders such as States, civil society organisations, NHRIs, donors etc.