



HUMAN RIGHTS STRATEGY FOR AFRICA

**DEPARTMENT OF POLITICAL AFFAIRS
AFRICAN UNION COMMISSION**

TABLE OF CONTENTS

| | |
|---|----|
| ABBREVIATIONS | 3 |
| EXECUTIVE SUMMARY | 4 |
| INTRODUCTION | 5 |
| CONTEXT | 7 |
| PRINCIPLES | 9 |
| PURPOSE OF THE STRATEGY | 9 |
| SPECIFIC OBJECTIVES | 9 |
| IMPLEMENTATION MECHANISMS | 9 |
| ROLES AND RESPONSIBILITIES OF STAKEHOLDERS | 10 |
| RESOURCE MOBILISATION | 11 |
| MONITORING, EVALUATION AND REPORTING | 11 |

ABBREVIATIONS

| | |
|---------|---|
| ACHPR | African Commission on Human and Peoples' Rights |
| AfCHPR | African Court on Human and Peoples' Rights |
| ACERWC | African Committee of Experts on the Rights and Welfare of the Child |
| AGA | African Governance Architecture |
| APRM | African Peer Review Mechanism |
| AU | African Union |
| APSA | African Peace and Security Architecture |
| AUABC | African Union Advisory Board on Corruption |
| AUC | African Union Commission |
| AUCIL | African Union Commission on International Law |
| CA | Constitutive Act |
| CEN-SAD | Community of Sahel-Saharan States |
| COMESA | Common Market for Eastern and Southern Africa |
| CSO | Civil Society Organizations |
| EAC | East African Community |
| ECCAS | Economic Community of Central African States |
| ECOSOCC | Economic, Social and Cultural Council |
| ECOWAS | Economic Community of West African States |
| EC | Executive Council |
| HRSA | Human Rights Strategy for Africa |
| IGAD | Inter-Governmental Development Authority |
| NEPAD | New Partnership for Africa's Development |
| NHRI | National Human Rights Institution |
| OAU | Organization of African Unity |
| PAP | Pan-African Parliament |
| PRC | Permanent Representatives Committee |
| PSC | Peace and Security Council |
| PSD | Peace and Security Department |
| RECs | Regional Economic Communities |
| SADC | Southern African Development Community |
| UDHR | Universal Declaration on Human Rights |
| UMA | Arab Maghreb Union |
| UN | United Nations |
| UNDP | United Nations Development Programme |
| UNECA | United Nations Economic Commission for Africa |
| UNHCR | United Nations High Commissioner for Refugees |
| UNICEF | United Nations Children's Fund |
| UNOHCHR | United Nations Office of the High Commissioner for Human Rights |
| UNSC | United Nations Security Council |
| UNWOMEN | United Nations Entity for Gender Equality and Empowerment of Women |

EXECUTIVE SUMMARY

1. The Human Rights Strategy for Africa is a guiding framework for collective action by AU, RECs and member states aimed at strengthening the African human rights system. The Strategy seeks to address the current challenges of the African human rights system in order to ensure effective promotion and protection of human rights on the continent. These challenges include:
 - Inadequate coordination and collaboration among AU and RECs organs and institutions;
 - Limited capacity of human rights institutions;
 - Insufficient implementation and enforcement of human rights norms and decisions; and
 - Limited awareness and access to the African human rights mechanisms.
2. In order to effectively address these challenges, the Strategy's objectives are to:
 - Enhance coordination and collaboration among AU and RECs organs and institutions and member states
 - Strengthen the capacity of AU and RECs institutions with a human rights mandate
 - Accelerate ratification of human rights instruments
 - Ensure effective implementation of human rights instruments and decisions
 - Increase promotion and popularization of African human rights norms
3. The Strategy is based on principles, standards, and norms that permeate the various legal and policy instruments of the AU and RECs within the realm of human rights, democracy and governance. The Strategy strengthens ongoing AU and RECs initiatives to build synergy and avoid duplication of efforts and resources in order to ensure effective functioning of the African human rights system.
4. The Human Rights Strategy for Africa is part of a broader process to establish greater coordination amongst AU organs and institutions within the framework of the African Governance Architecture (AGA), the African Peace and Security Architecture (APSA) (Dec. EX.CL/619 XVIII), the Humanitarian Policy Framework, the Africa Fit for Children and the African Women's Decade 2010-2020.
5. The African Governance Platform will provide the overall mechanism for implementation and review of the Strategy building on existing mandates and relationships amongst AU organs and institutions, RECs and member states.
6. The Strategy does not create new obligations, but rather it seeks to complement the efforts of member states to discharge their existing duties and responsibilities under AU, RECs and international human rights instruments.

INTRODUCTION

7. The Constitutive Act of the African Union, in its Article 3(h) provides a clear mandate to AU organs and institutions to promote and protect human and peoples' rights on the continent.
8. The African Charter on Human and Peoples' Rights commits AU Member States to the adherence of the principles of human and peoples' rights and freedoms contained in the declarations, conventions and other instruments adopted by the African Union and the United Nations and their duty to promote and protect human and peoples' rights and all freedoms and taking into account the importance traditionally attached to these rights and freedoms in Africa.
9. The Protocol Relating to the Establishment of the Peace and Security Council of the African Union, in its Article 4(c), implores AU Member States to respect the rule of law, fundamental human rights and freedoms, the sanctity of human life and international humanitarian law.
10. The Strategic Plan of the African Union Commission (AUC) (2009-2012) gives the AUC the mandate to achieve good governance, democracy, human rights, rights-based approaches to development, including social, economic, cultural and environmental rights.
11. The strategy is also an opportunity to achieve the objectives of the African women's decade, the youth decade, the second decade on education for Africa, the AU COMMIT campaign on trafficking in human beings, the plan of action on child survival and development of children in Africa, the 2nd Decade of Education for Africa (2006 - 2015) and the Call for Accelerated Action on the Implementation of the Plan of Action Towards Africa Fit for Children (2008 - 2012) the Outcomes of the Kampala Special Summit on the Protection and Assistance of Internally displaced persons (IDPs) in Africa.
12. The AU organs and institutions developed this Strategy in partnership with the UN System within the 10 Year Capacity Building Programme for AU (TYCBP-AU), as well as other stakeholders.

Process

13. To develop the structure of this strategy, a mapping questionnaire was developed and shared with all concerned stakeholders for input. The input informed the process of establishing the Human Rights Strategy for Africa (the Strategy). A consultant was engaged to assist in the process of consolidating the information and help to draft a clear and concise strategy for discussion and finalization through consultations amongst AU organs and stakeholders.
14. The methodology of developing the Strategy consisted of an analysis of response in questionnaires and in related reports as well as studies resulting from a series of meetings and consultations held with AU Organs and Institutions with a human rights mandate and other stakeholders including CSOs.
15. AU Organs with a human rights mandate held a number of meetings and consultations during which they discussed the scope and framework of the

Strategy. This culminated in the development of this Strategy which focuses on three main areas. These are: a brief overview of the African Human Rights System since the adoption of the African Charter in 1981; an in-depth assessment of the current state of coordination and collaboration through the examination of the AU Organs with a human rights mandate, institutions and RECs, and their inter-relationships; a Strategic Plan and finally, the formulation of a roadmap based on the Strategy's recommendations with a view to enhancing the promotion and protection of human rights in Africa.

CONTEXT

16. The elaboration of the Strategy takes place in the context of great political, economic and social transformation in Africa.
17. Since the adoption of the African Charter on Human and Peoples' Rights in 1981, Member States have demonstrated a commitment to collectively securing the promotion and protection of human rights on the continent. At the continental and regional levels, this commitment is evident in the content of instruments adopted and efforts directed at creating and enhancing institutions that would implement them.
18. At the national level efforts have been made to set up mechanisms such as national human rights institutions that reinforce the human rights promotion and protection system.
19. As a reflection of the overall progress that has been achieved there is a continental consensus to fight impunity. The Union has also been mandated to intervene in a Member State pursuant to a decision of the Assembly in respect of grave circumstances, namely war crimes, genocide and crimes against humanity, in accordance with Article 4(h) of the Constitutive Act.
20. However, the continent continues to face challenges including the slow pace of ratification, domestication and implementation of instruments and decisions of human rights bodies. In addition, there is inadequate coordination and coherence among the AU organs and institutions and the RECs in terms of policy initiation, development and implementation. The capacity and resources for implementation have not matched the progress achieved in adopting human rights instruments and establishing institutions.
21. There is a need, therefore, to address these challenges in order to enhance the capacity of the AU organs and institutions and Member States to better respond to instances of serious or massive violations of human rights in Africa.
22. The Strategy has been formulated as part of the evolving African governance architecture. It is also formulated within the context of accelerating continental integration through Shared Values and the review of the African human rights system after thirty years of the African Charter on Human and Peoples' Rights.
23. The Human Rights Strategy for Africa is a guiding framework for collective action by AU, RECs and member states aimed at strengthening the African human rights system. The Strategy seeks to address the current challenges of the African human rights system in order to ensure effective promotion and protection of human rights on the continent. These include:
 - Inadequate coordination and collaboration among AU and RECs organs and institutions;
 - Limited capacity of human rights institutions;
 - Insufficient implementation and enforcement of human rights norms and decisions; and
 - Limited awareness and access to the African human rights mechanisms.

24. In order to effectively address these challenges, the Strategy's objectives are to:

- Enhance coordination and collaboration among AU and RECs organs and institutions and member states
- Strengthen the capacity of AU and RECs institutions with a human rights mandate
- Accelerate ratification of human rights instruments
- Ensure effective implementation of human rights instruments and decisions
- Increase promotion and popularization of African human rights norms

25. The overall vision of the strategy is a unified well governed Africa respectful of human dignity and in which a culture of human rights and democracy is institutionalized.

26. The expected outcomes of the Strategy are as follows:

- a. Strengthened human rights system capable of deepening a culture of human rights and democracy in conformity with the African Charter on Human and People's Rights and other relevant instruments
- b. Enhanced coordination and coherence among AU organs, RECs and Member States on human rights
- c. Strengthened capacity of institutions at continental, regional and national levels for an effective human rights system
- d. Accelerated ratification of human rights instruments
- e. Effective implementation of human rights instruments and decisions; and
- f. Increased promotion and popularization of African human rights norms

PRINCIPLES

27. The Strategy is based on principles, standards, norms and instruments that permeate the various policy pronouncements of the AU. The strategy shall be guided in particular by the following principles:
- a. Respect for human rights and democratic principles;
 - b. Respect for the rule of law, fundamental human rights and freedoms, the sanctity of human life and international humanitarian law;
 - c. Interdependence between socio-economic development and the security of peoples and States;
 - d. Universality of rights;
 - e. Gender equality;
 - f. Effective participation of citizens in governance and development;
 - g. Transparency, accountability and fairness;
 - h. Non-discrimination on the grounds of race, ethnic group, colour, sex, language, religion, political or any other opinion, national and social origin, fortune, birth or other status;
 - i. Complementarity and subsidiarity amongst AU organs and institutions, RECs and Member States.

PURPOSE OF THE STRATEGY

28. The purpose of the Strategy is to strengthen the African human rights system to deepen the culture of democracy and human rights in conformity with the objectives of the African Charter on Human and Peoples' Rights and other relevant instruments.

SPECIFIC OBJECTIVES

29. The specific objectives of the Strategy include the following:
- (a) Enhanced policy, programmes and institutional coordination and coherence among AU, RECs and Member States;
 - (b) Strengthened capacity of institutions at continental, regional and national levels;
 - (c) Accelerated ratification, domestication and effective implementation of human rights instruments as well as reporting;
 - (d) Increased promotion and popularization of African human rights norms.

IMPLEMENTATION MECHANISMS

30. In order to facilitate the implementation of the Strategy, an action plan has been developed (see annexure 1) indicating various activities to be undertaken by the AU, RECs, member states and relevant stakeholders at continental, regional and national levels.
31. The AGA is the overall political and institutional framework for the promotion and protection of democracy, governance and human rights in Africa. The AGA is thus the framework to facilitate, coordinate and promote structural conflict prevention in Africa. As a result, the Strategy as part of the AGA seeks to support and complement efforts by Member States to achieve their commitments to promote

and protect human rights and to support the efforts made by the AU organs and institutions.

32. The African Governance Platform (the Platform) is the implementation mechanism of the Strategy, which includes the AUC, ACHPR, AfCHPR, ACERWC, PAP, and Secretariat of the APRM, ECOSOCC, AUABC, and RECs.
33. In order to implement the Strategy, a five (5) year action plan shall be developed with detailed annual operational plans. The proposed Action Plan is included as annexure I.

ROLES AND RESPONSIBILITIES OF STAKEHOLDERS

34. The key stakeholders for implementation of the Strategy are at three levels: continental, regional and national.
35. At the continental level, the AU has the responsibility of providing direction, guidance and general political orientation on adoption of standards. It has the competence for decision making and in particular deciding on strategic interventions. It is vested with the competence to enforce decisions of its organs and institutions.
36. The AU organs and institutions also have mandates to promote and protect human rights by examining, and reviewing Member States' performance.
37. At the regional level, RECs contribute to the promotion, protection, and strengthening of the human rights system on the continent by encouraging its members to ratify, domesticate and implement human rights instruments. RECs shall also play an important role in the harmonization and coherence of policies, programmes and institutional co-ordination at the continental level.
38. Member states should ensure that the Strategy is implemented in a way that enhances compliance to the continental and regional instruments. This includes the ratification, domestication, and popularization of human rights norms and mechanisms, as well as the implementation of decisions of AU organs and institutions, and the RECs. NHRIs play an important role in popularization of human rights norms and mechanisms, monitoring state compliance with their obligations, and contribute to the implementation of the decisions of AU organs and institutions and of the RECs.
39. Other African stakeholders, including civil society organizations shall always be consulted and effectively involved. They play an important role in popularization of human rights norms and mechanisms, monitoring state compliance with their obligations, and contribute to the implementation of the decisions of AU organs and institutions and of the RECs.
40. International stakeholders' participation in the implementation of the Strategy shall be based on specific arrangement with the AU organs and institutions, RECs and Member States. These stakeholders, as partners, should coordinate among themselves where appropriate and as well as align their support and programmes with the Strategic objectives, programmes and identified needs of stakeholders of the AU organs and institutions, RECs and Member States.

41. Institutional arrangements for the implementation of the Strategy will involve all the stakeholders. In the process of implementing the Strategy close consultation, coordination and collaboration with relevant regional, continental, and international organizations, civil society organizations and the private sector will be ensured.

RESOURCE MOBILISATION

42. AU organs and institutions, RECs and Member States shall have the primary responsibility to secure resources for the effective implementation of the Strategy. AU organs and institutions and the RECs shall in their yearly budget include allocation for the implementation of the Strategy.

MONITORING, EVALUATION AND REPORTING

43. The Strategy shall be reviewed in accordance with the planning cycle of the AUC.

44. The Platform will be responsible for the regular monitoring and evaluation of the implementation of the Strategy.

45. The Platform shall be responsible for reporting on progress made in the implementation of the Strategy.

**HUMAN RIGHTS STRATEGY FOR AFRICA
ACTION PLAN 2012 -2016**

| | | | |
|---|---|---|---|
| Human Rights Strategy Action Plan Description | | | |
| The Human Rights Strategy for Africa is a guiding framework for collective action by AU, RECs and member states aimed at strengthening the African human rights system. The Strategy seeks to address the current challenges of the African human rights system in order to ensure effective promotion and protection of human rights on the continent. | | | |
| Summary of Outcome | | | |
| Expected project outcome | Indicators | Means of verification | Assumptions |
| The African human rights system is strengthened in order to deepen the culture of democracy and human rights in conformity with the objectives of the African Charter on Human and Peoples' Rights and other relevant instruments | 1.1 Improved coordination and collaboration among AU organs, RECs and member states for better protection and promotion of human rights in Africa | 1.1 Reports: ACHPR, AfCHPR, ACRWC, APRM, RECs, UNOHCR, UNDP, UNHCR, | Commitment by AU organs, RECs, member states and other stakeholders |

| Summary of outputs | | | | | | |
|--------------------|---|--|--|---|-----------------------------------|----------|
| | Project Output 1 | Indicators | Means of verification | Assumptions | Lead responsibility | By When |
| 1 | Enhanced coordination and coherence among AU organs, RECs and member states on human rights | 1.1 Operationalisation of the human rights thematic cluster co-ordinating framework (AGA Platform) | 1.1 Minutes of platform meetings on human rights thematic group | 1.2-1.3 African Governance Architecture platform is operational | Secretariat of AGA Platform (DPA) | 2011 |
| | | 1.2 At least 2 common policy actions on implementation of human rights instruments by 2013 | 1.2 Reports by AU organs, RECs and member states on policy actions | | | 2013 |
| Activities | | | | | | |
| 1A | Facilitate regularly-held meetings with and between institutions in order to identify synergies, gaps, complementarities and exchange experiences/ lessons/knowledge (including jurisprudence) and avoid unnecessary duplication of efforts | | | | | ongoing |
| 1B | Consolidate and review co-ordination, complementarities and subsidiarity gaps and overlaps in the African human rights system, as well as reform of affected instruments in the human rights framework for policy decision and action to be taken | | | | | 2013 |
| 1C | Implement regularly scheduled, appropriately designed and facilitated joint-trainings for African institutions with a human rights mandate in order for these institutions to stay up-to-date with African human rights system initiatives and developments | | | | | ongoing |
| 1D | Operationalise the strategy through the AGA platform | | | | | 2012 |
| | Project Output 2 | Indicators | Means of verification | Assumptions | Lead responsibility | By When |
| 2 | Strengthened capacity of institutions at continental, regional and national levels for an effective human rights system | 2.1 At least 10% annual increase in funding | 2.1 Annual AU budget of human rights organs | 2.1 - 2.3 Member states commitment at all levels; Governance process facility is efficiently, transparently and accountably managed; Capacity of institutions to absorb increased funding; Overall AU budgeting process is improved | Secretariat of AGA Platform (DPA) | annually |
| | | 2.2 Establishment and operationalisation of Pan African Institute for Human Rights (PAIHR) | 2.2 Framework and modality establishing PAIHR | | | 2015 |
| | | 2.3 Rate of retention of skilled staff in AU organs and institutions improves by at least 10% | 2.3 AU Human Resource Department annual report | | | 2014 |
| Activities | | | | | | |
| 2A | Conduct capacity needs assesement of the various institutions comprising the African human rights system for policy decision and action to be taken | | | | | 2013 |

| | | | | | | |
|-------------------|--|---|--|--|-----------------------------------|----------------|
| 2B | Implement the capacity needs assessment recommendations | | | | | 2014 |
| 2C | Develop and adopt instrument establishing the PAIHR | | | | | 2013 |
| 2D | Operationalise the PAIHR | | | | | 2015 |
| 2E | Develop a database of African human rights experts, institutions, think tanks, and CSOs capable of effectively providing technical support in relation to legal policy, institutional capacity building, advocacy and dissemination, strategic planning and M&E needs of the various human rights-mandated bodies at continental, regional and national levels | | | | | 2013 |
| 2F | AU human rights-mandated organs' annual budgets reflect resources for implementation of the African Human Rights Sytem | | | | | 2013 |
| 2G | Utilise the governance facility for channelling of voluntary contributions to support the implementation of the human rights strategy | | | | | 2014 |
| | Project Output 3 | Indicators | Means of verification | Assumptions | Lead responsibility | By When |
| 3 | Ratification of human rights instruments is accelerated | 3.1 At least two (2) human rights instruments are universally ratified | 3.1 AU treaty monitoring chart ; Summit report on the status of OAU/AU treaties ratification | 3.1 Commitment from member states; member states capacity to ratify | Secretariat of AGA Platform (DPA) | 2014 |
| | | 3.2 Four (4) member states make a declaration allowing individuals and CSOs direct access to the Courts | 3.2 AU treaty monitoring chart | 3.2 Merger instrument on the African Court on Justice and Human Rights is not yet in force | | 2014 |
| Activities | | | | | | |
| 3A | Develop and implement advocacy and technical support provision initiatives aimed at encouraging ratification of outstanding human rights instruments | | | | | ongoing |
| 3B | Engage member states on challenges of ratification | | | | | ongoing |
| | Project Output 4 | Indicators | Means of verification | Assumptions | Lead responsibility | By When |
| 4 | Effective implementation of human rights instruments and decisions | 4.1 At least five countries domesticate human rights instruments | 4.1 State reports | 4.1 - 4.2 Commitment from member states; Member states' capacity to implement | Secretariat of AGA Platform (DPA) | 2015 |
| | | 4.2 10% increase in member states reporting | 4.2 Treaty monitoring bodies' annual reports | | | 2015 |
| Activities | | | | | | |
| 4A | Develop and implement advocacy and technical support initiatives aimed at encouraging implementation of outstanding human rights instruments, decision and recommendations | | | | | 2014 |
| 4B | Strengthen enforcement and monitoring mechanism for compliance with decisions of AU human rights mandated organs | | | | | ongoing |

| | | | | | | |
|-----------|--|--|---|---|-----------------------------------|----------------|
| 4C | Undertake study to establish an African legal aid mechanism and fund to support complainants that are indigent or are members of vulnerable groups such as women, children, minorities, etc | | | | | 2014 |
| | Project Output 5 | Indicators | Means of verification | Assumptions | Lead responsibility | By When |
| 5 | Increased promotion and popularisation of African human rights norms | 5.1 Increased useage of African Human Rights Norms at national level | 5.1 State reports; ACHPR reports; implementation of ACHPR and AUC decisions and recommendations | 5.1 Political will and commitment from Member states; Member states capacity to implement | Secretariat of AGA Platform (DPA) | 2014 |
| | Activities | | | | | |
| 5A | Advocate for initiatives aimed at applying human rights based approach into development policy development and planning | | | | | ongoing |
| 5B | Provide technical support to AU and RECs organs and institutions, and member states on applying human rights based approach | | | | | ongoing |
| 5C | Facilitate a series of contextually-relevant human rights dialogues at the national level (linked to issues raised during activities 1B & 1C) | | | | | ongoing |
| 5D | Develop thematic human rights educational and promotional materials that can be used effectively at various human rights-mandated continental, regional and national level institutions | | | | | 2014 |
| 5E | Undertake capacity building on media human rights reporting at national and regional levels, targeting local and international media | | | | | 2014 |
| 5F | Encourage development of "Model AU" system at African educational institutions, including website with downloadable supporting materials | | | | | 2013 |
| 5G | Re-invigorate existing array of annual African Human Rights-related Day commemorations and celebrations on the continent, via a broad range of appropriately accessible media and communications strategies | | | | | ongoing |
| 5H | Design and launch an Annual Nelson Mandela Award Scheme for the personality or organisation from civil society which has distinguished him/her/itself for their actions in the field of human rights in Africa | | | | | 2016 |