

# ORDINARY SESSIONS OF THE ACHPR



## Introduction

The adoption by the African Union (AU) of the African Charter on Human and Peoples' Rights (also known as the Banjul Charter) led to the creation of the African Commission on Human and Peoples' Rights (ACHPR) in 1987.

The Commission has several competences, it can :

- decide whether human rights violations are in breach of the Charter
- interpret the Charter and adopt complementary documents (general comments, guidelines, principles, etc.)
- issue recommendations to States for better promotion and protection of human rights
- conduct visits to States and investigate human rights violations
- prepare reports on human rights violations and issue recommendations.

The Commission is composed of 11 independent Commissioners elected by the Assembly of the African Union for a renewable term of 6 years. The ordinary sessions of the ACHPR are held 4 times a year, usually for 3 weeks each. At least two of them are partly public. The Chairperson of the Commission may also convene extraordinary sessions at the request of the Chairperson of the AU Commission or a majority of the members of the Commission. Sessions of the Commission shall be held at its headquarters in Banjul or in any other State Party that invites it.

## How do the sessions of the ACHPR work?

### 1) The NGO forum



The Forum on the participation of NGOs in the ordinary sessions of the ACHPR (NGO Forum) is held in the three days preceding the ordinary sessions of the ACHPR. Organised by the African Centre for Democracy and Human Rights Studies (ACDHRS), it aims to enhance NGO collaboration with the ACHPR and strengthen synergies between NGOs working on democracy and human rights. Various panels and side events are organised by NGOs and at the end of the three days, the Forum adopts recommendations and resolutions proposed by the participating NGOs. These are then presented at the opening ceremony of the Commission's session.

### 2) Review of the general human rights situation



During this dialogue, AU Member States, institutions, NHRIs and NGOs with Observer status with the ACHPR have the opportunity to intervene to share identified progress and their concerns. States targeted by a statement have a right of reply as well as any member of the Commission.

### 3) Consideration of States' initial and periodic reports



Each State Party to the Banjul Charter is required to submit a periodic report every two years on the measures taken to give effect to the rights and freedoms recognised and guaranteed by the Charter. This review, which takes the form of a constructive and collaborative dialogue, enables the Commission to make recommendations (Concluding Observations) to

the State concerned to improve the human rights situation. Following the adoption of the Concluding Observations of the review by the Commission, they are sent to the State, which may exercise a right of reply. The observations are published following the adoption of the Commission's annual report by the African Union. These recommendations serve as a basis for NGOs to advocate for the promotion of human rights in the country.

#### 4) Presentation of the activities of the Commission and its mechanisms



The Commission may create subsidiary mechanisms to deal with a specific human rights issue (see factsheet on subsidiary mechanisms). During each session, each of these mechanisms presents the activities carried out since the last ordinary session. On this occasion, AU member states, NHRIs and NGOs with Observer status at the ACHPR are again given the opportunity to intervene.

#### 5) Panels



Panels of one hour are organised by the special mechanisms of the ACHPR on a theme related to their mandate in partnership with NGOs.

#### 6) Consideration of communications (private)



At each session, communications submitted by individuals, NGOs or Member States denouncing one or more violations of the rights protected by the Charter by a State Party are examined by the ACHPR. After a review of the admissibility, during which the Commission may decide to take interim measures, a consideration of the merits will be carried out after the State concerned has been informed and given the opportunity to present its observations.

If the Commission considers that there has been a violation of one or more provisions of the Charter, it addresses recommendations to the State to remedy the situation and compensate the victim for the damage suffered.

#### 7) Adoption of resolutions and recommendations (private)



At its private session, the Commission also adopts the reports of investigations or human rights missions as well as the decisions, resolutions and recommendations taken during the public session. The resolutions adopted are presented at the closing ceremony of the session and are available on the Commission's website.

### Opportunities for action by FIACAT and the ACATs



#### 1) Participation in the NGO Forum

NGOs, whether or not they have Observer status with the ACHPR, can register to participate in the NGO Forum. As such, each year, FIACAT accompanies several ACATs for their participation in this Forum. FIACAT and the ACATs can carry out several activities:

- organise a round table (1 hour) or a side event on issues related to their mandate and linked to the theme of the forum, with the participation of different experts on the issue.
- propose a draft resolution on a theme related to their mandate. It is important that the resolution recalls the binding and non-binding texts relating to the theme, assesses the current situation and addresses recommendations to States.

## 2) Oral statement on the general human rights situation and on the activities of the Commission



NGOs with Observer status, such as FIACAT since 1991, may deliver an oral statement during the item on the general human rights situation in Africa (5 min. maximum) or during the presentation of the reports of the subsidiary mechanisms of the ACHPR (3 min. maximum). The intervention should be relevant to the issue under discussion and refer to the concerns of civil society on this subject by giving an overview of the human rights violations denounced and by addressing recommendations to the States concerned and to the ACHPR. It is also an opportunity to ask the Commissioners to adopt a resolution on the violations raised. States have the right to respond to NGO allegations.

There are currently 4 mechanisms of particular interest to FIACAT and the ACATs (<https://tinyurl.com/32f8a6w9>):

- [Special Rapporteur on Prisons, Conditions of Detention and Policing in Africa](#)
- [Committee for the Prevention of Torture in Africa](#)
- [Working Group on Death Penalty, Extra-Judicial, Summary or Arbitrary Killings and Enforced Disappearances in Africa](#)
- [Special Rapporteur on Human Rights Defenders and Focal Point on Reprisals in Africa](#)

## 3) Contribution to the reviews of States' initial and periodic reports



When a State has submitted its periodic report, NGOs have the opportunity to submit an alternative report in order to share their field experience and concerns. This alternative report should be submitted at least 60 days before the review of the periodic report.

It must address the implementation of the various articles of the Charter relevant to the NGO's mandate, highlighting any remaining shortcomings and making recommendations to the State under review for better compliance with the Charter. As NGOs do not have the right to speak during the review of State reports, it is advisable to meet with the Commissioners before the review in order to relay concerns and recommendations directly to them, in particular by means of a position paper summarising the content of the report and formulating recommendations or proposals for questions to be addressed to the State's delegation (maximum 1 page).

## 4) Participation in panels and organisation of side events



Thanks to the relations it has established with the mechanisms linked to its mandate, FIACAT can collaborate with some of them in the organisation of panels by contributing to the elaboration of the concept note and by proposing various speakers relevant to the selected topic. FIACAT and the ACATs can also organise side events on the margins of the session to raise awareness among States, Commissioners, NHRIs and other NGOs on their areas of concern.

## 5) Submission of communications



NGOs can accompany victims of human rights violations in filing a communication. To do so, several conditions of admissibility must be met:

- the communication must not be anonymous;
- the communication must allege a violation of one of the rights recognised by the Charter and having taken place after the ratification of the Charter by the State concerned;
- the communication should not be written in disparaging or insulting language directed against the State concerned and its institutions or to the African Union;

- the communication should not be based exclusively on news disseminated through the mass media;
- available domestic remedies must have been exhausted;
- the communication must be submitted within a reasonable time after the exhaustion of domestic remedies;
- the communication must not concern a case dealt with by another international human rights body.

With regard to the content of the communication, if no form is imposed, the following elements must be included:

- information about the applicant
- description of the alleged violations
- name of the State concerned
- information on the victim
- information on the exhaustion or unavailability of domestic remedies in the concerned State
- information on complaints to other international bodies.

### **Find out more**

- [Handbook - How to work with the African commission on human and peoples' rights - https://tinyurl.com/yckmwtz5](https://tinyurl.com/yckmwtz5)

