



AFRICAN COMMISSION ON HUMAN AND PEOPLES' RIGHTS



**'Delivering Better'**

**STRATEGIC PLAN**

**2015 – 2019**

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## List of Keywords and Acronyms

### *Keywords*

<b>Activity</b>	A task to be completed to realise a specific strategic Priority or objective.
<b>Action Plan</b>	An outline of objectives, activities, timeline, costs, persons responsible and means of verification for each Main Area.
<b>Indicators</b>	The factors used to assess the performance (performance indicators) or measure the results (result indicators) of the African Commission.
<b>Key Areas</b>	The core areas of the work of the African Commission.
<b>Planning Period</b>	The operational period of a Strategic Plan.

### *Acronyms*

<b>ACERWC</b>	African Committee of Experts on the Rights and Welfare of the Child
<b>APRM</b>	African Peer Review Mechanism
<b>AU</b>	African Union
<b>AUC</b>	African Union Commission
<b>CSO</b>	Civil Society Organisation
<b>EC</b>	Executive Council of the African Union
<b>FAO</b>	Finance and Administration Officer
<b>IDOC</b>	Information and Documentation Centre of the African Commission
<b>IGO</b>	Inter-Governmental Organisations
<b>KA</b>	Key Area
<b>KPA</b>	Key Performance Areas
<b>LO</b>	Legal Officer
<b>NEPAD</b>	The New Partnership for Africa's Development
<b>NGO</b>	Non-Governmental Organisation
<b>NHRI</b>	National Human Rights Institutions
<b>PAP</b>	Pan-African Parliament
<b>PRC</b>	Permanent Representatives Council of the African Union
<b>PSC</b>	Peace and Security Council of the African Union
<b>RECs</b>	Regional Economic Communities
<b>STC</b>	Secretary to the African Commission
<b>SWOT</b>	Strength, Weaknesses, Opportunities and Threats

## **FOREWORD**

*As the Continent's leading human rights institution mandated to promote and protect human and peoples' rights, the African Commission on Human and Peoples Rights (The African Commission) has over the years registered major strides in this regard. However, a great more still needs to be done to ensure an Africa where rights are recognised, respected, enjoyed and protected for all without any distinction.*

*The Strategic Plan (2015-2019) therefore sets out a bold and ambitious vision for the African Commission. Building on the successes of the previous Strategic Plan (2008 – 2012), it articulates the African Commission's commitment in shaping and improving the human rights landscape of the continent over the next five years under the theme: **'Delivering Better'***

*The Plan focuses mainly on human rights promotion and protection, capacity building, stakeholder participation and collaboration as well as communication and visibility of the Commission. In view of the lessons learnt from the previous strategic plan and the imperative to ensure a more effective implementation of this one, a range of modalities and approaches such as SWOT, funding strategy, risk assessment and management and implementation and monitoring frameworks have been outlined. It also provides broad opportunities for partnerships with Member States of the African Union and other stakeholders in the Continent and beyond.*

*This Plan is a result of an intense and rigorous process of thought and wide consultations and for this I offer my deepest gratitude to the Working Group on Specific Issues, Colleague Commissioners and the Secretariat for a job well done and also to the AUC and UNDP for the technical and financial support provided respectively during the process.*

*It is also my belief that it has struck the right balance in maintaining what we do well and responding to future requirements and opportunities.*

*Although total respect for human rights is the ideal, the development of this Strategic plan is guided by the conviction to effectively promote and protect human rights in African Countries. Our mandate requires us to deliver in all areas for which we are responsible but we cannot do it alone. Therefore, in executing this strategic plan, we will count on the pool of partner organisations that we already have, and the many other potential partners and collaborators who share our vision and mission as well as those who have an interest in the work of the African Commission.*

*Inspired by the general human rights policy defined by the African Union through important blueprints such as the AUC Strategic Plan 2014-2017, I am convinced that the implementation of this strategic plan can succeed with the involvement of all stakeholders and together we can deliver better for Africa.*

**KAYITESI ZAINABO SYLVIE**

**CHAIRPERSON OF THE AFRICAN COMMISSION**

## EXECUTIVE SUMMARY

### *Background and Context*

- A.** The African Commission is the premier regional institution responsible for the promotion and protection of human and peoples' rights in Africa, as well as interpretation of the African Charter on Human and Peoples' Rights (African Charter or Charter) – its constitutive treaty, and the normative framework on which the African human rights system is anchored. The African Commission's protective mandate is complemented by the African Court on Human and Peoples' Rights (the "African Court"), and further in the implementation of its mandates, and as mandated by the Charter, it cooperates with other "*African institutions concerned with the protection of human and peoples' rights*", including ACERWC, the PSC and PAP. It also submits its activity reports for adoption by the Assembly of Heads of State and Government of the AU, before publication.
- B.** The African Commission has, from inception, developed and implemented three (3) Plans of Action and two (2) Strategic Plans<sup>1</sup>. The current and sixth Plan covers the period 2015-2019 (the "Strategic Plan"), and serves as a framework which will guide the African Commission during the next five years. The Strategic Plan sets out the objectives, key priority areas and activities of the Commission for the Planning Period, as well as the resources necessary for carrying out the activities and achieving the objectives, and will also guide the partners of the African Commission to the areas where funding and other support is required.
- C.** This strategic plan also took into account the recommendations made after the review and evaluation of the past Strategic plan. Notwithstanding the fact that significant achievements were realised in the past plan including amongst others, adoption of new Rules of Procedure, clarification and operationalization of the Commission's relationship with the African Court and effective engagement with stakeholders; the evaluation report identified the following challenges in the past plan which affected the overall implementation of the same: that the past plan was over- ambitious, it lacked an institutional outlook because it only focused on activities of Commissioners and Special mechanisms and had a weak monitoring and evaluation framework.
- D.** Also, the formulation of this Strategic Plan was informed by the African Commission's own mandate, vision, mission and core values/principles, as well as the human rights challenges that currently face the Continent.
- E.** The vision of the African Commission is: '*an Africa characterised by respect for and observance of human rights, where the rights guaranteed under the Charter are known and advocated for by African people; and promoted, protected, respected and fulfilled by the State Parties*'. Its Mission is: '*to promote, monitor and protect the human and peoples' rights guaranteed in the African Charter*';

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<sup>1</sup> Initial Plan of Action (1988 to 1992); Plan of Action (1992-1996); Mauritius Plan of Action (1996-2001); Strategic Plan 2003-2006; & Strategic Plan 2008-2012.

while it is guided by principles of *freedom, equality, justice, dignity, good governance and competence*.

- F.** The content has been developed taking into account the developments in Africa relating to human and peoples' rights and the ensuing structural and procedural evolution that the Commission has undergone since the last planning period – that is - within the last seven (7) years. The positive developments would include: the revision of the Commission's Rules of Procedure; the elaboration, formalization and operationalization of the complementary relationship between the African Commission and the African Court; formalisation of collaboration between the African Commission and other AU organs with human rights (or related) mandates; the emergence and operationalization of the African Governance Architecture and the African Peace and Security Architecture; the adoption of a Human Rights Strategy for Africa; the emergence of new normative frameworks on human rights in Africa, including the coming into force of the African Charter on Democracy, Elections and Governance and the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa; an increase in the ratification of regional and international human rights instruments by States Parties; the issuance of landmark decisions on human rights by the African Commission and the African Court; as well as the adoption of a 50-year continent-wide strategic framework for inclusive growth and sustainable development – Agenda 2063.
- G.** On the other hand, the negative developments as well recurring factors that continue to undermine the realisation and full enjoyment of human rights, would include: the lack of political will by State Parties in honouring their international human rights obligations and the enactment, retention and application of repressive laws which undermine fundamental freedoms; armed conflicts in some State Parties in Africa which have resulted in tens of thousands of refugees or internally displaced persons and hampered human development – hence, socio-economic rights in Africa; poverty which hampers the enjoyment of human rights, as many Africans live in absolute poverty and many African economies suffer from serious deficiencies rendering them incapable of satisfying the basic needs of their people such as food, clean drinking water, housing, and health care; as well as the worsening scourge of terrorism and violent extremism in Africa, as demonstrated by the cowardly and dastardly attacks perpetrated by different terrorist groups across the continent, including *Al Shabaab*, the Lord's Resistant Army (LRA), *Boko Haram*, *Al-Qaida* in the Islamic Maghreb (AQIM), the Movement for Oneness and Jihad in the West Africa (MOJWA), *al-Murabitun* and the *Ansar al-Sharia* groups, which cause catastrophic human rights and humanitarian consequences, and contribute to project a negative image of the state of human rights on the Continent,

#### *Overview of SWOT Analysis*

- H.** In the light of the above, the Strategic Plan outlines the situational analysis of the African Commission within the context of its realities and Africa's human rights challenges in general.

- I. A SWOT analysis has been conducted to identify the African Commission's strengths and opportunities to be fully utilised, weakness that needs to be addressed in order to improve efficiency and effectiveness, as well as, threats for proper actions. The results of this analysis, combined with the assessment of the implementation of the Strategic Plan 2008-2012 are tabulated below:

Strengths	Weaknesses
<ul style="list-style-type: none"> <li>• Mandate based on a binding instrument</li> <li>• Has a team of 11 Commissioners and staff with human rights expertise and experiences from across Africa</li> <li>• The creation of several new AU human rights institutions dealing with human and peoples' rights, which creates room for complementary and unified efforts in enhancing human rights in Africa</li> <li>• Established relationships with NGOs, NHRIs and some cooperating State Parties;</li> <li>• Established affiliation with UN Special Procedures and cooperation with other UN mechanisms</li> </ul>	<ul style="list-style-type: none"> <li>• Administrative bottlenecks</li> <li>• Institutional constraints, including inadequate human, material and financial resources</li> <li>• Inadequate information and outdated Communication Technologies (ICT)</li> <li>• Inadequate and outdated knowledge management system</li> <li>• Weaknesses in the evaluation and monitoring of the implementation of past plans</li> <li>• Inaccessible and ineffective communications procedure</li> <li>• Inadequate implementation mechanism of state and shadow reporting processes</li> <li>• Inadequate emergency response mechanism to human rights situations.</li> </ul>
Opportunities	Threats
<ul style="list-style-type: none"> <li>• Broad mandate to promote, protect and interpret the Charter and formulate legal opinion</li> <li>• Twenty-seven year history resulting in a rich African Human Rights jurisprudence</li> <li>• Increasing development of human and peoples' rights norms, which gives material and wider room for interpretation and application</li> <li>• Complementary relationship with the African Court is now operational</li> <li>• Formalized co-operations with other AU organs and processes with human rights mandates/dimensions are now operational, with the potential to complement the work of the African Commission</li> <li>• Close cooperation with other human rights systems, such as the UN, which provides scope for widening the reach of the African Commission's operations</li> <li>• African populations are showing increased interest in human rights issues</li> <li>• Partners' indication of willingness to provide increased financial and technical support</li> <li>• AU Decision to declare the year 2016 as the <i>African Year of Human Rights, with a focus on the Rights of Women</i></li> </ul>	<ul style="list-style-type: none"> <li>• Frequent non-adherence to the decisions and recommendations by State Parties</li> <li>• Slow responses to state requests in respect of the performance of the Commission's duties Limited visibility of the Commission among ordinary African citizens and professionals</li> <li>• Situations of armed conflicts in some African States which do not create conducive environments for the respect of human rights</li> <li>• Poverty and illiteracy, which exacerbate the poor knowledge or lack of awareness of the African Commission's mechanisms and result in their under-utilization</li> <li>• The creation of several new AU human rights institutions dealing with human and peoples' rights which may lead to less funding for each individual institution including the commission</li> </ul>

### Overview of the Strategic Planning Process

- J. The strategic plan development process has been fully consultative and participatory, and has drawn upon inputs internally from the African Commission, as well as the Secretariat staff. The Plan was also contextualized within the framework of the AU-wide Strategic Plan (2014 – 2017) and Agenda 2063; while the extant Strategic Plans of some other AU institutions with human rights mandates were also reviewed and taken into context. Specifically, the Strategic Plan of the Commission

falls within the framework of the third strategic pillar of the AUC on *Shared Values*, and Outputs 4.4, 4.5 and 4.6 on *promotion of Good Governance and Democracy, promotion of Shared Values instruments including those focusing on the rights of women and youth, and the promotion of Human Rights based on African and Universal Instruments*.

### Overview of the Strategic Plan

- K.** The Strategic Plan 2015-2019 document consists of ten parts, as follows: (i) Introduction; (ii) The African Commission & Its Mandate; (iii) Scope and areas of work of the African Commission; (iv) Vision, Mission and Values of the African Commission; (v) Institutional Assessment and Situational Analysis; (vi) the Priorities and Programme Areas; (vii) the Funding and resource mobilisation and management strategy; (viii) the Implementation and Monitoring Framework for the Strategic Plan; (ix) Risk Assessment; and (x) the detailed implementation matrix of the strategic Plan.
- L.** The Strategic Plan categorises the work of the African Commission into seven (7) key areas, based on its mandate, and deriving from the institutional assessment / SWOT Analysis, defines eight (8) Priorities and Programme Areas for the African Commission, for the Planning Period. The matrix below summarizes the main elements (the activities, outcomes and main outputs) of the Strategic Plan.

<b>Summary</b>	<ul style="list-style-type: none"> <li>• Overall Vision</li> <li>• Seven (7) Activities/ Work Areas</li> <li>• Eight (8) Priority Areas</li> <li>• Thirty-Four (34) Activities</li> <li>• One Hundred and Twelve (112) Outcomes</li> <li>• A Program Budget of <b>\$19,845,000.00</b></li> </ul>
<b>Mandate</b>	<p><i>Article 45 of the Charter:</i></p> <ol style="list-style-type: none"> <li>1. Promotion of human and peoples' rights</li> <li>2. Protection of human and peoples' rights</li> <li>3. Interpretation of the provisions of the Charter;</li> <li>4. Performance of any other tasks which may be entrusted to it by the Assembly of Heads of State and Government of the AU</li> </ol>
<b>Mission</b>	To promote, monitor and protect the human and peoples' rights guaranteed in the African Charter
<b>Vision</b>	An Africa characterised by respect for and observance of human rights, where the rights guaranteed under the Charter are known and advocated for by African people; and promoted, protected, respected and fulfilled by the State Parties.
<b>Core Values/Principles</b>	<ul style="list-style-type: none"> <li>• Freedom</li> <li>• Equality</li> <li>• Justice</li> <li>• Dignity</li> <li>• Good governance; and</li> <li>• Competence</li> </ul>
<b>Scope and areas of activities/work</b>	<ol style="list-style-type: none"> <li>1. Promotion of human and peoples' rights</li> <li>2. Protection of human and peoples' rights</li> <li>3. Interpretation of the African Charter</li> <li>4. State Reporting</li> <li>5. Special Mechanisms</li> <li>6. Capacity Building</li> <li>7. Submission of Cases to the African Court</li> </ol>



<b>Priorities and Programme Areas</b>	<ul style="list-style-type: none"> <li>• Strategy 1: Promotion of Human Rights</li> <li>• Strategy 2: Protection of Human Rights</li> <li>• Strategy 3: Receipt and examination of State Reports, and Reports of NHRIs and NGOs</li> <li>• Strategy 4: Establishment and Implementation of activities by Special Mechanisms</li> <li>• Strategy 5: Building the Institutional Capacity of the African Commission</li> <li>• Strategy 6: Communication strategy</li> <li>• Strategy 7: Sessions of the African Commission</li> <li>• Strategy 8: Monitoring and Evaluation of implementation of the Strategic Plan</li> </ul>
<b>Key Actor &amp; Stakeholders</b>	<ul style="list-style-type: none"> <li>• Members of the African Commission</li> <li>• The African Commission's Secretariat</li> <li>• State Parties to the African Charter</li> <li>• AUC</li> <li>• AU organs</li> <li>• The donor community</li> <li>• NGOs</li> <li>• NHRIs</li> <li>• Individuals (complainants)</li> <li>• Academic institutions, researchers and students</li> <li>• The media</li> <li>• International institutions</li> <li>• The general public</li> </ul>

- M.** The Strategic Plan also contains an assessment of priority risk factors faced by the Strategic Plan and actions required to mitigate these risks recommended.
- N.** The Implementation and Monitoring Framework for the 2015-2019 Strategic Plan proposes the internal structures to oversee implementation and the linkages between them and their respective roles and responsibilities in planning, monitoring and reporting. The Plan also allocates roles and responsibilities for the implementation of the Plan, not only internally between the African Commission and its Secretariat, but also for other actors.
- O.** As regards the Funding and Resource Mobilisation and Management Strategy, two (2) options are proposed as financing arrangements for the Planning Period, being: (i) AU-Funding; and (ii) Donor/Partner-Funding.
- P.** As a rolling five-year plan and a living document, the annualized targets set out in the Strategic Plan will form the basis for the preparation of the annual Work Plans of the African Commission for the next five years, and will be reviewed and adjusted where necessary on a yearly basis for the African Commission's activities for the Planning Period. It also serves as the framework for partners' support during the Planning Period. The implementation of the Strategic Plan therefore requires not only the commitment of the African Commission, but that of all identified stakeholders.

## STRUCTURE

The Strategic Plan comprises ten parts.

- A. The first part is the **Introduction & Methodology**, which presents the theme and framework of the Strategic Plan;
- B. The second part – **The African Commission & Its Mandate**, presents the Commission, including its structure, mandate, human and financial resource base, as well as its place within the African Human Rights System;
- C. The third part – **Areas of Activities** deals with the scope and seven key areas of activities of the African Commission;
- D. The fourth part – **Vision, Mission and Values** presents the Vision, Mission and Values and guiding principles of the African Commission, which govern the working modalities of the Commission;
- E. The fifth part – **Past Plans and Institutional Assessment** deals with the assessment of the past plans of the African Commission and the institutional assessment within the current context. It also sets out a summary of the SWOT and situational analysis of the African Commission which was conducted;
- F. The sixth part – **Priorities and Programme Areas** presents the criteria for the prioritisation of the work and activities of the African Commission, as well as its priorities and programme areas, within the current Planning Period;
- G. The seventh part – **Funding and Resource Mobilization Strategy** describes the current funding status of the Commission; lessons learnt; the prerequisites for, as well as how the Commission proposes to boost, expand and diversify its resource base, in order to fund the budget for this Strategic Plan. A fund management strategy is also elaborated;
- H. The eighth part – **Implementation and Monitoring Framework** describes how the Strategic Plan will be implemented, monitored and evaluated, and would also form the basis for determining the estimated budget for the implementation of the plan;
- I. The ninth part– **Risk Assessment**, presents a thorough risk assessment of the proposed Strategic Plan, setting out a number of critical risk factors that must be kept in mind and addressed to guarantee the realization of the intended objectives and outcomes of the Strategic Plan and
- J. The tenth part - **Implementation Matrix** presents the programme areas for implementation namely; the activities identified Key Performance Indicators, the implementation targets, the budget required, and those responsible for implementation of the activities.

## **PART 1: INTRODUCTION & METHODOLOGY**

### **INTRODUCTION**

1. The African Commission is the premier regional institution responsible for the promotion and protection of human and people's rights in Africa. Headquartered in Banjul, The Gambia, it was established in 1987 by the Organisation of African Unity (OAU) now the African Union (AU) under *Article 30* of the African Charter on Human and Peoples' Rights (the African Charter), which normative provisions anchor the Africa human rights system. The African Commission is an autonomous treaty body and its mandate is broad and continent-wide.<sup>2</sup>
2. The following presents the Strategic Plan of the African Commission from 2015 to 2019, under the overarching theme: "**Delivering Better**". Drawing on lessons of the first twenty-seven years of the African Commission, the plan sets out the objectives, key priority areas and activities, as well as the resources necessary for carrying them out over the next five (5) years. It embodies the renewed determination of the current leadership of the African Commission to overcome real and potential challenges whilst truly realising the commitments of African governments and people to the protection and advancement of human and peoples' rights on the Continent. The last point deserves to be put in its proper context.
3. African leaders and governments have repeatedly committed themselves publicly to the defence of human and peoples' rights on the Continent. The African Charter has been ratified by fifty-three out of the fifty-four Member States of the AU<sup>3</sup>. At sub-regional levels as well as continent-wide, Africa boasts of a plethora of human rights norms, standards and institutions to advise the implementation of the Charter. Moreover, under the 10 year Capacity Building Programme for the AU, the AU has, in partnership with the UN System adopted the Human Rights Strategy for Africa 'as a guiding framework for collective action by AU, RECs and member States, aimed at strengthening the African human rights system'.
4. In spite of these, the daily lives of Africans do not always manifest the concrete benefits of these lofty ideas and initiatives. Africa remains confronted by various socio-economic and political problems, including corruption, poverty, armed conflicts, and abuse of individuals' fundamental rights. The Human Rights Strategy for Africa further notes in paragraph 20 that the continent continues to face: "the slow pace of ratification, domestication and implementation of instruments and decisions of human rights bodies... there is inadequate coordination and coherence among 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."

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<sup>2</sup> As at the date of the adoption of this Strategic Plan, all member States of the AU, except South Sudan, have ratified the African Charter.

<sup>3</sup> Fn 2 *ibid*.

5. Put together, the evidence points to the fact that more remains to be done in order to translate the benefits of human rights protection and promotion into the daily lives of the peoples of Africa. Without gainsaying, Africa needs more than ever before, a strong and functional African Commission that is capable of discharging its mandate effectively.

## **METHODOLOGY**

6. This part sets out the methodology employed in the planning process, as well as an outline of the content of the Plan.
7. Under the guidance of the Working Group on Specific Issues Related to the Work the African Commission on Human and Peoples' Rights (the Commission), the development of this Strategic Plan commenced with the preparation of a Concept Note setting out the strategic planning process, including the objectives, milestones, timelines and expected outputs.
8. The Concept Note was considered by the Commission during its 52<sup>nd</sup> Ordinary Session which took place from 9 – 22 October 2012, in Yamoussoukro, Cote d'Ivoire, during which the Commission made comments and observations to guide, direct and inform the strategic planning process.
9. This was followed by an evaluation of the level of implementation of the immediate past Strategic Plan of the Commission, to establish the status of implementation of the various activities projected under the previous Strategic Plan, to identify which activities had been fully implemented, which ones had not been implemented at all, which ones had been partially implemented, which ones should be carried forward, which ones should be discontinued, which new ones should be introduced. The result of this evaluation exercise was a Planning Base Document, which then served as basis upon which the current Strategic Plan 2015-2019 was built.
10. The Planning Base Document was considered at the 13<sup>th</sup> Extra-Ordinary Session of the Commission, which took place in Banjul, The Gambia, from 19 – 25 February 2013. During that Session, the Commission gave additional directives to further enhance the strategic planning process, to ensure that the resulting Strategic Plan reflects the priorities to be focused on in the period 2015-2019.
11. After the comments and observations of the Commission had been incorporated into the Base Planning Document, the Commission received technical support for the planning process from the United Nations Development Programme (UNDP), in the form of a Consultant with strategic planning expertise. The Consultant worked closely with the Commission and its Secretariat; the Consultant also had held interviews with staff of the Secretariat individually as well as collectively. This exercise added to the self-assessment already carried out by the Commission and its Secretariat, to identify the Commission's strengths, weaknesses, opportunities and the threats facing it. The involvement of the Consultant was to improve the technical validity of the Strategic Plan, and also to enhance its implementation prospects.

12. The Commission's strategic planning process also benefitted from the technical expertise of the African Union Commission's Directorate of Strategic Planning, Monitoring and Evaluation and Resource Mobilization (SPMERM). The involvement of the SPMERM Directorate helped situate the Commission's strategic planning process within the context of the overall Strategic Plan of African Union as a whole. The participation of the SPMERM Directorate also brought the Commission's Strategic Plan into the framework of the African Union's Agenda 2063.
13. From 5 – 7 September 2014, the Commission's Working Group on Specific Issues Related to the Work of the Commission convened at the seat of the Commission in Banjul, and went through the revised draft Strategic Plan, systematically reviewing it provision by provision, to ensure that it reflects the Commission's planned course and objectives during 2015-2019 period.
14. Thereafter the revised draft Strategic Plan 2015-2019 was submitted to the 17<sup>th</sup> Extra-Ordinary Session of the Commission which devoted a substantial portion of its time to a consideration of the Strategic Plan, and then finally adopted it.
15. The Commission's engagement with the strategic development process was thus very much hands-on, and continued throughout the intervening Sessions as the Concept Note morphed into the Planning Base Document which then went through various stages until it eventually transformed into a fully elaborated, adopted Strategic Plan at the Commission's 17<sup>th</sup> Extra-Ordinary Session which took place at the Commission's seat in Banjul, The Gambia from 19-28 February 2015. This very involved participation of the Commission in the strategic planning process ensured that the resulting document is very much owned by the Commission.

## **PART II. THE AFRICAN COMMISSION AND ITS MANDATE**

16. The mandate of the Commission as set out in *Article 45* of the African Charter is to:

- “1. *Promote Human and Peoples’ Rights and in particular to:*
  - (a) *Collect documents, undertake studies and researches on African problems in the field of human and peoples’ rights, organise seminars, symposia and conferences, disseminate information, encourage national and local institutions concerned with human and peoples’ rights and, should the case arise, give its views or make recommendations to governments;*
  - (b) *Formulate and lay down principles and rules aimed at solving legal problems relating to human and peoples’ rights and fundamental freedoms upon which African Governments may base their legislations;*
  - (c) *Co-operate with other African and international institutions concerned with the promotion and protection of human and peoples’ rights;*
2. *Ensure the protection of human and peoples’ rights under conditions laid down by the present Charter;*
3. *Interpret all the provisions of the present Charter at the request of a State party, an institution of the Organisation of African Unity (OAU) or an African organisation recognised by the Organisation of African;*
4. *Perform any other tasks which may be entrusted to it by the Assembly of Heads of State and Government.”*

17. In addition, to ensure effective implementation of the African Charter and to complement the protective mandate of the African Commission,<sup>4</sup> the AU has established the African Court under the Protocol to the African Charter on Human and Peoples’ Rights establishing an African Court on Human and Peoples Rights (the Protocol). The Court came into existence in 2006. As stipulated in the Protocol, the African Commission is entitled to submit cases to the African Court.<sup>5</sup> The African Court can also request the opinion of the African Commission<sup>6</sup>, and may transfer cases to the Commission<sup>7</sup>. The African Commission and the African Court have since operationalized their complementary relationship, the framework for which is set out in their respective harmonized Rules of Procedure.<sup>8</sup>

18. Furthermore, in terms of *Articles 52 and 59* of the Charter, the Commission submits its activity reports on the discharge of its mandates for adoption by the Assembly of Heads of State and Government of the AU before publication.

19. To discharge its mandate, the African Commission, consists of eleven members, elected by the Assembly of Heads of State and Government of the AU for renewable terms of six years.<sup>9</sup> The Commission elects its own Bureau, consisting of a

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<sup>4</sup> Article 2 of the Protocol.

<sup>5</sup> Article 5(1)(a), *ibid.*

<sup>6</sup> Article 6(1), *ibid.*

<sup>7</sup> Article 6(3), *ibid.*

<sup>8</sup> ROP of the Commission, 2010 & Rules of Court, 2010.

<sup>9</sup> Articles 33 and 36 of the Charter

Chairperson and a Vice Chairperson.<sup>10</sup> The Commissioners meet four times a year - twice in Ordinary Sessions and twice in Extra-Ordinary Sessions. The Commission is serviced by a full-time Secretariat, led by a Secretary appointed by the Chairperson of the AU Commission.<sup>11</sup> The AU further provides the staff and services necessary for the effective discharge of the duties of the Commission and bears the costs of this.<sup>12</sup>

20. The Commission's challenges are at most, two-fold – financial and structural constraints. Financially, the Commission suffers from a lack of sufficient funds and has had to seek external sources of funding outside the Charter-imposed<sup>13</sup> funding by the AU. Structurally, the part-time nature of its elected Commissioners,<sup>14</sup> the few number of Ordinary and Extra-Ordinary Sessions held by the Commission annually<sup>15</sup> and the few number of permanent staff at its Secretariat also have negative impacts on its effectiveness. While the structure of the Secretariat has been revised and consequently expanded during the last planning period of the Commission, as set out in *Executive Council Decision EX.CL/Dec. 476 (XIV)*), the newly approved structure is yet to be fully implemented through appropriate employments, as a result of which the Commission does not yet have adequate human resources to effectively discharge its mandate. A number of partners have therefore supported the Commission and its Secretariat with some human resources over the years to augment its inadequate skeletal staffing.

21. Nonetheless, this Strategic Plan is based on the current structure approved by the AU Executive Council in 2009, which includes: a Secretary to the Commission, 1 (one) Deputy-Secretary 11 (eleven) Legal Officers, 1 (one) Communications and Database Expert, 4 (four) Finance and Administration Officers, 3 (three) Interpreters/Translators, 1 (one) Documentalist, 2 (two) Protocol Officers, 1 (one) ICT Officer and 9 (nine) support staff.

22. It is noted that as at the date of adoption of this Strategic Plan by the Commission, the structure of the Secretariat is as follows: a Secretary to the Commission, 9 (nine) regular legal officers, 3 (three) Finance and Administration Officers, 1 (one) Interpreter/Translator, 1 (one) Documentalist, 1 (one) Registry Clerk, 1 (one) Protocol Officer, 1 (one) short term ICT Officer and 8 (eight) support staff.

23. Apart from the members of the African Commission, the main actors involved in the work of the Commission in promoting and protecting human rights on the Continent include:

- State Parties to the African Charter
- AU organs

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<sup>10</sup> Article 42

<sup>11</sup> Article 41

<sup>12</sup> Article 41

<sup>13</sup> Article 41, African Charter.

<sup>14</sup> Article 3, African Charter.

<sup>15</sup> Statutorily, the Commission holds a minimum of two (2) Ordinary Sessions, each year. Rule 26, Rules of Procedure of the African Commission on Human and Peoples' Rights, adopted at its 47<sup>th</sup> Ordinary Session in Banjul, in May, 2010 (ROP). Also, as provided in Rule 27 of its ROP, the Commission holds a minimum of two (2) Extra-Ordinary Sessions each year, one of which is AU-funded and the other is partner-funded.

- NGOs
- National Human Rights Institutions;
- Individuals (complainants)
- The general public, including those who consult the Commission as a mechanism for the promotion and protection of human rights in Africa
- Academic institutions, researchers and students
- The media
- International institutions
- The donor community.



### **PART III. AREAS OF ACTIVITIES OF THE AFRICAN COMMISSION**

24. The activities of the Commission have been categorised in seven (7) key areas, based on its mandate as follows:

- 24.1 Promotion of human and peoples' rights:** The content of this key area is derived from *Article 45.1* of the Charter, and includes various promotional activities as well as cooperation with State Parties and institutions and organisations concerned with the promotion of human and peoples' rights, such as promotion missions, sensitization seminars, capacity-building for stakeholders, publication and dissemination of information materials, conduct of studies, and collaborative activities/actions with partners and other institutions with a human rights mandates;
- 24.2 Protection of human and peoples' rights:** The content of this key area draws from *Article 45.2* of the Charter, and includes handling Communications (complaints regarding human rights violations), protection/fact-finding missions, response to emergency human rights situations through urgent appeals, letters of concern, press releases, fact finding missions and all related tasks;
- 24.3 Complimentary relationship with the Court:** The content of this key area is derived from *Article 45.2* of the Charter and includes various activities relating to the implementation of the complimentary relationship between the African Commission and the African Court to enhance the protective mandate of the African Commission, such as submission of cases to the African Court, provision of advisory opinions to the African Court as well as joint meetings and other activities between the two institutions.
- 24.4 Interpretation of the Charter:** The content of this key area is derived from *Article 45.3* of the Charter, and includes various activities relating to the interpretation and elaboration of the African Charter through the development and adoption of supplementary human rights instruments such as Rules, Guidelines, Resolutions, General Comments, Declarations, Model Laws, and other 'soft' laws.
- 24.5 State Reporting:** This key area is based on *Article 45.4* of the Charter and involves examination of reports submitted to the Commission pursuant to *Article 62* of the Charter. The responsibility also involves issuance of Concluding Observations on the State Reports, and all related tasks.
- 24.6 Special Mechanisms:** This key area, which includes both promotion and protection, is based on *Articles 45.1* and *45.2* of the Charter, and involves the work of Special Mechanisms (Special Rapporteurs and Working Groups) focusing on human rights issues of specific concern to the Commission. The African Commission currently has fourteen (14) Special Mechanisms, as follows;

- 24.6.1 Special Rapporteur on Prisons and Conditions of Detention;
- 24.6.2 Special Rapporteur on Rights of Women;
- 24.6.3 Working Group on Indigenous Populations/Communities in Africa
- 24.6.4 Special Rapporteur on Freedom of Expression and Access to Information;
- 24.6.5 Special Rapporteur on Human Rights Defenders;
- 24.6.6 Special Rapporteur on Refugees, Asylum Seekers, Migrants and Internally Displaced Persons;
- 24.6.7 Committee for the Prevention of Torture in Africa;
- 24.6.8 Working Group on Economic, Social and Cultural Rights;
- 24.6.9 Working Group on Specific Issues Related to the work of the African Commission
- 24.6.10 Working Group on Death Penalty and Extra-Judicial, Summary or Arbitrary killings in Africa
- 24.6.11 Working Group on Rights of Older Persons and People with Disabilities
- 24.6.12 Working Group on Extractive Industries, Environment and Human Rights Violations
- 24.6.13 Committee on the Protection of the Rights of People Living With HIV (PLHIV) and Those at Risk, Vulnerable to and Affected by HIV; and
- 24.6.14 Working Group on Communications

**24.7 Capacity Building:** This key area is based on *Article 41* of the Charter, and is informed by the need for the Commission to continuously develop its capacity to effectively and efficiently perform its mandate. Its objective is to strengthen the general capacity of the Commission as a collegial body, its Bureau, the Commissioners, and the Secretariat staff.

## **PART IV. VISION, MISSION AND VALUES OF THE AFRICAN COMMISSION**

25. The main directional statements of the African Commission were first articulated in the first Strategic Plan. Successive Commissioners have reinforced their continuing relevance. These are as follows:

### **25.1 Vision**

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

### **25.2 Mission**

Flowing from its mandate, the mission of the African Commission is: *'to promote, monitor and protect the human and peoples' rights guaranteed in the African Charter'*.

### **25.3 Guiding Principles/Values**

The second Preamble to the African Charter provides that the African Commission be guided by the principles of *"freedom, equality, justice and dignity, which are essential objectives for the achievement of the legitimate aspirations of the African peoples"*. The African Commission is also inspired by international law on human and peoples' rights, including the Charter of the United Nations and the Universal Declaration of Human Rights, as well as by African practices consistent with international norms of human and peoples' rights.

Building on these overarching principles, the work of the African Commission is underpinned by a set of reinforcing core values, namely: *justice, equality, impartiality, integrity, and competence*. The key features of these are elaborated below:

**25.3.1 Justice:** Fundamental to this is the principle that people, governments and institutions are subject to the rule of law and that it is fairly applied and enforced. Justice not only reflects an abiding dedication to uphold the international legal regime that governments have signed up to, but the conviction that all are bound by the decisions of relevant adjudicatory bodies and that such decisions are the outcome of legal and moral principles demonstrating independence, impartiality, due process and fairness. The African Commission rests upon its reputation of independence and objectivity. Accordingly, it must ensure that its actions and practices are strictly followed and uphold the rule of law, ensuring that its processes are consistent and that all Africans are treated fairly and as equals.

- 25.3.2 **Equality:** refers to treating everyone equally based on acceptable rules and standards both in the execution of the African Commission's mandate and in providing the opportunity to access and seek redress from it. This strongly portrays its image in a positive light as an institution where all are equal before it and where justice is handed down to all who seek for it without distinction, including marginalized groups such as women, people living with disabilities and indigenous people.
- 25.3.3 **Impartiality:** refers to basing decisions on objective criteria and treating parties equally without fear, favour or prejudice. It reflects the African Commission's commitment to ensure its processes are consistent; and that actions taken and decisions reached are done so on the basis of evidence obtained.
- 25.3.4 **Integrity:** Ensuring that the African Commission is both in practice and perception an institution demonstrating integrity is essential to the Commission's reputation and long-term survival. The term integrity is two-fold: it refers to the notion of consistency of actions, values, methods, measures; and principles. Similarly, it refers to the quality of being honest or fair. Taken together, the term integrity reflects the African Commission's unwavering and consistent commitment to exercise honesty, truthfulness, fairness and transparency in its actions. The implications for the Commission are clear. The African Commission aims to ensure that information is accessible; its activities and systems are carried out with openness; that there are clear processes and channels which are in turn communicated to citizens and clients; and that staff are held accountable for their actions.
- 25.3.5 **Competence:** This refers to the ability of the African Commission to perform its functions efficiently and effectively. Ultimately, the Commission depends on the quality of its staff and their competences to translate the mandate and vision of the Commission into tangible positive results and outcomes. This is reflected in the African Commission's aim to invest in and secure high quality staff, driven by the pursuit of professional excellence and committed to successfully fulfilling its mission and mandate.
- 25.3.6 **Good Governance:** This refers to the African Commission's internal processes for making and implementing decisions, which embody the elements of accountability, transparency, responsibility, participation/inclusiveness, equity, responsiveness, effectiveness and efficiency.

## **PART V. PAST PLANS AND INSTITUTIONAL ASSESSMENT**

26. Since its inception, the African Commission has built a tradition of strategic planning. Till date, it has approved and implemented five comprehensive and strategy based work plans. As the last plan came to an end in December 2012, it adopted an Interim Annual Work Plan for 2013, with some slip over into the first half of 2014. Accordingly, the current plan takes effect from January 2015 to December 2019.
27. Strategic Planning has served the Commission in five main ways, namely: (a) helped it to better plan its activities; (b) facilitated the realisation of its charter-based mandate; (c) managed performance; (d) guided partners and stakeholders in the engagements with the Commission; and (e) provided impetus to fund raising efforts. The current Strategic Plan is informed by the Commission's continuous determination and commitment to improve on the gains registered in the past plan so as to effectively deliver on its mandate for the benefit of the Continent.
28. Without doubt, the implementation of the previous Strategic and Work Plans resulted in a number of significant achievements for the Commission. Notably, the African Commission marked its twenty-five years of existence in the plan period. This landmark event emphasised the coming of age of continent-wide institutionalised mechanisms for the advancement of human rights in Africa. In addition, the African Commission was able to accomplish several of the projects it set out in the outgoing plan, and even exceeded expectations in noticeable areas. It is fair to say that the Commission has increasingly attracted interests as a veritable mechanism, receiving over 511 Communications since inception. By the end of the outgoing planning period in 2014, only 89 Communications were pending before the Commission and 75 decisions were completed during the past planning period alone.
29. While to date, the Commission has submitted thirty-seven (37) Activity Reports to the AHSG of the AU<sup>16</sup>, in particular, the Combined 32<sup>nd</sup> and 33<sup>rd</sup> Activity Report of the African Commission, which covered the period when the African Commission commemorated twenty-five years of its existence, specifically highlighted, *inter alia* the milestone achievements of the Commission, including the following:
- 29.1** Clarification and consolidation of the complementarity between the Commission and the Court including:
- (a) The harmonization of the Rules of Procedure of the Court and Commission;
  - (b) The establishment of the statutory meetings of the Court and Commission;
- 29.2** Formalisation of collaboration between the Commission and some other AU organs with human rights mandates;
- 29.3** Formalisation of cooperation with the United Nations (UN) Special

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<sup>16</sup> The 37<sup>th</sup> Activity Report was adopted by the AU Policy Organs in January 2014.

Procedures, through the adoption of the Addis-Ababa Roadmap in January 2012, as well as other forms of cooperation with some UN treaty bodies and Mechanisms;

**29.4** Revision of the Rules of Procedure of the Commission to enhance the effectiveness of its various procedures, including amongst others:

- (a) The clarification/elaboration of the processes for Communications handling;
- (b) Development of the processes for referral of cases to the Court; and
- (c) Development of a system for the effective implementation of the Commission's decisions including the establishment of a Special Mechanism dedicated to Communications – the Working Group on Communications.

**29.5** Effective Engagement with Stakeholders-37 Meetings held with NGOs and CSOs;

**29.6** Development and wide dissemination of information materials on the mandate and work of the Commission; and

**29.7** Increase in human and financial resources based on recent AU policy decisions, has provided some tacit boost to the operations of the Commission and its Secretariat.

30. In addition to the above-mentioned, the African Commission, during the past planning period, has recorded other notable achievements including:

**30.1** The adoption of supplementary human rights instruments that elaborate some of the human rights guaranteed under the African Charter, for purposes of addressing peculiar situations considered as demanding special attention, such as the General Comments on Article 14(1) (d) & (e) , Article 14.1(a),(b),(c) (g) and Article 14.2 (a) & (c) of the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women; the Model Law on Access to Information in Africa, the Guidelines on Conditions of Police Custody and Pre-trial Detention in Africa; State Party reporting Guidelines for economic, social and cultural rights in the African Charter on Human and Peoples' Rights (Tunis Reporting Guidelines); Principles and Guidelines on the implementation of economic, social and cultural rights in the African Charter on Human and Peoples' Rights; Declaration of Principles on Freedom of Expression in Africa; the Report of the study on freedom of association and freedom of assembly in law and practice in Africa; the Report of the study on the right to nationality in Africa; the Report of the study on the situation of women human rights defenders in Africa;

**30.2** The drafting of other supplementary human rights instruments and conduct of studies currently under consideration such as the draft: Principles and Guidelines on Human Rights and Countering Terrorism, the Draft Protocol on the Abolition of the Death Penalty in Africa and the Draft Protocol on Older Persons and Persons with Disabilities, Women Human Rights Defenders; and study on HIV, The Law and Human Rights in The African Human Rights System;

**30.3** The adoption of 163 thematic and country Resolutions;

- 30.4 The conduct of a number of promotional missions;
- 30.5 The organisation of 26 meetings with the NGO Forum;
- 30.6 The organisation of a number of seminars, symposia and conferences on human and peoples' rights, The creation of new special mechanisms; and
- 30.7 The conduct of AU-mandated fact-finding missions to Sahrawi Arab Democratic Republic, Mali and the Central African Republic.

31. How, then, can the African Commission best build on these achievements in the next five years? The outgoing strategic plan and indeed the earlier one were founded on an overarching premise. Faced with an ever more challenging financial situation, the Commission's disposition is to bring forward most of its operations with a long list of several possible projects and activities in the expectations that some, possibly all, will attract funding from willing donors. Reinforcing this, the African Commission has defined its premier position largely in terms of its ability to accommodate as many issues and interests as possible within its encompassing mandate, which further inflates the list of activities it commits itself too. Notwithstanding any strong points, the evidence indicates that this strategy has resulted in a number of setbacks for the Commission's operations.
32. Against this background, the African Commission commissioned a detailed SWOT (Strengths, Weaknesses, Opportunities and Threats) and situational analysis of the organisation as part of the current planning process which is as follows:

### **Situational Analysis**

33. This part examines the external environment – developments, issues and related challenges –which have informed the priorities identified in the Strategic Plan. It sets out the strengths, weaknesses, opportunities and threats faced by the Commission during the last planning cycle.

#### **33.1 Strengths**

- 33.1.1 The mandate and institutional framework of the Commission is based on a binding instrument (the African Charter);
- 33.1.2 The Commission has a team of 11 Commissioners drawn from different disciplines and diversities, and coming from different jurisdictions from across Africa;
- 33.1.3 The Commission's Secretariat is staffed by a cadre of professionals with human rights expertise and experiences from across Africa;
- 33.1.4 The Commission's technical and resource capacities are strengthened by its excellent relations with NGOs, NHRIs and cooperating State Parties;
- 33.1.5 The Commission's technical and resource capacities also benefit from established affiliations with the Office of the United Nations High Commissioner for Human Rights and other UN and regional human rights bodies including Special Mandate holders, and international development partners;

33.1.6 The creation of several new AU human rights institutions dealing with human and peoples' rights, which creates room for complementary and unified efforts in enhancing human rights in Africa;

### **33.2 Weaknesses**

33.2.1 The Commission faces continuing administrative bottlenecks, including communication difficulties with some partners and stakeholders (e.g. parties to Communications), and this hinders the work of the Commission;

33.2.2 The Commission faces institutional constraints such as inadequate funding, the part-time nature of the work of the Commissioners, understaffing as well as high staff turn-over and job insecurity at the Secretariat, and this hampers the operations of the Commission;

33.2.3 The Commission uses inadequate and outdated Information and Communication Technologies (ICT);

33.2.4 The Commission has an inadequate and outdated knowledge management system; and

33.2.5 Weaknesses exist in the evaluation and monitoring of the implementation of past plans;

33.2.6 The Commission does not have an easily accessible, efficient and effective Communications Procedure;

33.2.7 The Commission has an inadequate implementation mechanism of State and Shadow reporting processes;

33.2.8 The Commission has an inadequate emergency response mechanism to human rights situations on the Continent.

### **33.3 Opportunities**

33.3.1 The Commission has a broad mandate to promote, protect and interpret human rights in the African Charter and to formulate legal opinions;

33.3.2 The Commission has a twenty-seven year history of developing an African Human Rights jurisprudence;

33.3.3 The increasing development of human and peoples' rights norms gives the Commission material and wider room for interpretation and application;

33.3.4 The complementary relationship between the Commission and the Court is now operational;

33.3.5 There is formalized cooperation between the Commission and other AU organs and processes with a human rights dimension (such as PAP, PSC, ACERWC and NEPAD);

33.3.6 The close cooperation between the African regional human rights system and other human rights systems such as the United Nations system provides scope for widening the reach of the Commission's operations;

33.3.7 African populations are showing increased interest in human rights issues;



- 33.3.8 Partners have indicated willingness to provide increased financial and technical support; and
- 33.3.9 The Decision by the AU to declare the year 2016 as the African Human Rights Year offers further opportunities for ensuring the promotion and protection of human rights in Africa..

### **33.4 Threats**

- 33.4.1 Frequent non-adherence to the decisions and recommendations of the Commission by State Parties may compromise the relevance of the Commission;
- 33.4.2 Slow responses by States to requests made by the Commission in respect of the performance of duties of the Commission such as undertaking promotional, protection and fact-finding missions; State Reporting; and implementation of Communications;
- 33.4.3 There remains limited awareness and visibility of the Commission amongst ordinary citizens of Africa as well as its professional classes;
- 33.4.4 Situations of armed conflicts in some African states do not create conducive environments for the respect of human rights and make it more difficult for the Commission to carry out its work in respect of those State Parties;
- 33.4.5 Poverty and illiteracy exacerbate the poor knowledge or lack of awareness of the mechanisms for human rights protection offered by the Commission and result in their under-utilization; and
- 33.4.6 The creation of several new AU human rights institutions dealing with human and peoples' rights may lead to less funding for each individual institution, including the Commission.

- 34 Appropriately, they represent a benchmark against which the African Commission might assess itself in the years ahead. More significantly, they expose the critical need for a strategic plan that is sufficiently responsive to the intrinsic features and realities of the Commission and thus offers a more accurate assessment of its capability to take on future challenges. We will highlight a few of these issues.
- 35 In the first place, the African Commission's strategy has to be improved. In spite of the challenges that it has faced, the Commission has, as already indicated, made a number of remarkable contributions but due to unavailability of statistical data, its performance cannot be measured accurately and objectively.
- 36 The other recurring issue is the African Commission's financing. The African Commission does not have adequate funding to execute its activities and projects in line with its mandate due to budgetary constraints of the AU. The AU allocates to the African Commission's annual operational and program budgets based on funds assessed on Member States.. Secondly, the AU provides to the African Commission an annual budget increment up to 5% by the AU, thereby giving very little room for expansion. As a result, the African Commission always has to prioritise its activities and is therefore, not able to execute all its annual planned activities including projects identified. The African Commission has to fill the

funding gap by mobilising external resources which are mostly ad-hoc, limited in its use and unsustainable. There is also no dedicated policy on, or staff responsible for resource mobilisation and management.

## **PART VI. PRIORITIES AND PROGRAMME AREAS**

- 37 Deriving from the institutional assessment detailed in the SWOT Analysis detailed in **Paragraph 33**, the African Commission resolved to aggressively improve on its communications strategies and upgrade itself to address the challenges. To this end, the following five priority considerations will underpin the role and operations of the African Commission over the next five years, namely:
- 37.1 Strengthen the role of the African Commission as a premier human rights institution, as directed by the Charter, by improving visibility and communication strategy;
  - 37.2 Build a profile of a strong and reliable protective mechanism for African continent to significantly bring down the backlog in Communications awaiting conclusion and maintain it at an acceptable level. Ensure that the parties comply with the timeframes stipulated in the Rules of Procedure. Boost the image and external profile of the Commission, including implementing a Communication strategy with systematic measures of improvement;
  - 37.3 Establish a Resource Mobilization Strategy, which will be developed by the Secretariat and adopted by the African Commission. Thereafter, proposals will be written and presented to partners for funding
  - 37.4 Improve the efficiency and effectiveness of the Secretariat of the African Commission, and also improve the relationship between the African Commission and the Secretariat; and
  - 37.5 Upgrade the entire ICT system in the African Commission to current international standards and implement a central database by the end of the planning period.
- 38 Against the above considerations, the African Commission will focus on the following programme areas for implementation:

### **38.1 Strategy 1: Promotion of Human Rights**

**Objective:** To promote human rights, towards enhancing the commitment of State Parties, and other stakeholders, on the African Charter, and other regional and international human rights instruments.

**Outcome:** Enhanced commitment of State Parties and other stakeholders to the promotion of human rights.

**Key Activities:**

- 38.1.1 Conduct Promotional and Research Missions to State Parties;
- 38.1.2 Organize sensitization seminars to advance understanding and commitment of beneficiary groups;
- 38.1.3 Organize promotional activities around the Sessions of the African Commission;
- 38.1.4 Organize joint activities with National Human Rights Institutions (NHRIs), RECs, AU institutions with human rights mandate, and other regional and international human rights mechanisms to promote human rights on the continent;

38.1.5 Produce a film on the mandate of the Commission, and the work of the Special Mechanisms.

## **38.2 Strategy 2: Protection of Human Rights**

### **Objective:**

To protect the rights of victims of human rights violations by ensuring timely adjudication of complaints and intervention in cases or threats of human rights violation, as well as ensuring diligent follow-up on compliance by State Parties

**Outcome:** Timely, resolution of Communications submitted to the African Commission, followed by implementation of recommendations.

### **Key Activities:**

38.2.1 Improve the complaints handling procedure to make it more effective;

38.2.2 The reduction of the backlog of outstanding Communications;

38.2.3 Facilitate the effective implementation of the African Commission's decisions by bringing down cases of non-compliance;

38.2.4 Establishing a legal aid fund to provide legal assistance to victims of human rights violations;

Improve the Commission's response to emergency situations;

38.2.5 Improve the complementarity role between the African Commission and the African Court;

## **38.3 Strategy 3: Receipt and examination of State Reports and Reports of NHRIs and NGOs**

### **38.3.1 State Parties**

**Objective:** To ensure effective utilisation of the State Reporting Procedure as a tool for measuring and securing State Parties' compliance with the provisions of the African Charter and the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (the Maputo Protocol).

**Outcome:** Obtaining reliable periodic reports of the human rights situation on the African continent.

### **Key Activities:**

**38.3.1.1** Enhance compliance to state reporting obligations; Enhance the involvement of NGOs, NHRIs and other stakeholders in the State Reporting procedure towards better compliance by their respective State Parties;

**38.3.1.2** Enhance the oversight role of the Commission through better implementation of concluding observations adopted by the African Commission.

### **38.3.2 NHRIs and NGOS**

**Objective:** To ensure timely receipt of Reports from NGOs and NHRIs.

**Outcome:** Obtaining reliable Reports of the human rights situation on the African continent.

**Key Activities:**

**38.3.2.1** Facilitate compliance by NHRIs and NGOs with their reporting obligations.

**38.4 Strategy 4: Establishment and Implementation of activities by Special Mechanisms**

**Objective:** To address through the development and implementation of special procedures and mechanisms identifiable issues concerning the promotion and protection of human and peoples' rights in specific or thematic areas in Africa.

**Outcome:** Special Mechanisms effectively advancing the promotion and protection of human rights in specific or thematic areas in Africa.

**Key Activities:**

**38.4.1** Enhance an effective and time-bound system for identifying, developing and implementing Special Mechanisms in the Commission;

**38.4.2** Ensure the effectiveness of Special Mechanism to address identified issues concerning specific or thematic areas;

**38.4.3** Improve the work of Special Mechanisms to be able to deal with emerging human rights issues;

**38.4.4** Enhance cooperation between the African Commission and other regional and international human rights mechanisms;

**38.4.5** Enhance internal cooperation between the African Commission's special mechanisms.

**38.5 Strategy 5: Building the Institutional Capacity of the African Commission**

**Objective:** To strengthen the capacity of the Commission by making the institution effective, comprehensive, competent, professional, people-centered and better equipped to effectively deliver its mandate to the satisfaction of its stakeholders.

**Outcome:** Well-resourced, well-organised, focused competent and professional Commission that is also effective in delivering its mandate and making an impact.

**Key Activities:**

**38.5.1** Revitalize the process of construction of the African Commission's headquarters;

**38.5.2** Effectively manage the human and financial resources and core operations of the Organization, through a systematic program to reform the Organization, processes, capacity enhancement and performance management of staff;

**38.5.3** Secure requisite resources for a progressive increase in the current human resource capacity;

**38.5.4** Ensure adequate financial resources for the Commission;

**38.5.5** Implement departmentalization of the internal operations of the African Commission and promote greater specialization of roles of staff;

**38.5.6** Strengthen the capacity of Commissioners through enhancing their leadership

roles, 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;

**38.5.7** Upgrade the knowledge management system to current international standards, and develop and implement a knowledge management system of the Commission;

### **38.6 Strategy 6: Communication Strategy**

**Objective:** To enhance the level of awareness and visibility of the African Commission amongst the State Parties and African populations, boost the regional and international profile on the unique work it does, and enhance its status as a preeminent body for the promotion and protection of human rights on the continent.

**Outcome:** Well-known institution, which is a source of continuous and demonstrable positive influence on the human rights landscape in Africa.

#### **Key Activities:**

**38.6.1** Secure partner support in procuring a communications expert as well as develop and adopt a communications strategy.

**38.6.2** Enhance the level of awareness and visibility of the African Commission;

**38.6.3** Dissemination of publications, information materials on the African Charter, relevant human rights instruments and literature on activities of the Commission, and where necessary, translate them into various African Languages, as well as reduce them in formats accessible to persons with disabilities;

**38.6.4** Organize and implement the commemoration of 2016 as the African Year of Human Rights with the African Commission as the centrepiece of the events;

**38.6.5** Commemoration of Human Rights days;

**38.6.6** Refurbishment of the African Commission's website.

### **38.7 Strategy 7: Sessions of the African Commission**

**Objective:** To operationalize the mandatory and other Sessions of the African Commission.

**Outcome:** Enhancing the effectiveness of the Ordinary and Extra-Ordinary Sessions of the African Commission.

#### **Key Activities:**

**38.7.1** Improve the Sessions of the African Commission.

### **38.8 Strategy 8: Monitoring and Evaluation of implementation of the Strategic Plan**

**Objective:** To improve the professionalism of the African Commission.

**Outcome:** Taking ownership of the Strategic Plan by the Commission to ensure

implementation.

**Key Activities:**

- 38.1 Institutionalize a robust and effective system to implement and monitor the Strategic Plan to achieve results.
  
- 39 These strategies and activity areas together with the Key Performance Areas (KPAs), responsibilities, as well as timelines are detailed in the Implementation Matrix attached as ANNEX I – PART X).

## **PART VII. FUNDING AND RESOURCE MOBILIZATION AND MANAGEMENT STRATEGY**

40 The purpose of this section is to describe the process and modalities for the creation of a funding mechanism that will enable the African Commission to implement its mandate. In this regard, consideration will be given, amongst others, to the following:

**40.1 AU-Funding:** Progressively expanding the budget vote granted by the AU and eliminating all internal bureaucratic procedures that inhibits access to funding from the AU.

**40.2 Donor/Partner-Funding:** It is recognized that donor co-ordination is crucial for cost-effective utilization of scarce resources. Thus, the African Commission will work together with donors and partners to examine obstacles to effective donor co-ordination and endeavor to make sure that donor programs are better coordinated, and situated within the context of the Strategic Plan and work programs of the African Commission.

41 To this end, the African Commission will:

**41.1** Devise an effective institutionalized mechanism to eliminate any bottleneck in getting prior clearance for all forms of external support from the AU Legal Counsel;

**41.2** Establish forums for co-ordination and dissemination of information to donors/partners;

**41.3** Establish systems for basket funding when appropriate;

**41.4** Secure the services of a Resource Mobilisation Officer to undertake resource mobilization activities.



## **PART VIII. IMPLEMENTATION AND MONITORING**

- 42 This strategic plan is ineffectual unless implemented and translated into concrete actions and results. Implementation is inter-linked with monitoring and evaluation. A good monitoring system will require the following:
- i. Securing and maintaining the confidence of all stakeholders in the implementation process;
  - ii. Ensuring that all implementation requirements and success factors are well in place;
  - iii. Securing adequate funding commitment for the implementation of plan;
  - iv. Providing ample warnings of possible setbacks or evidence of poor performance, and necessary corrective measures;
  - v. Facilitating the identification of opportunities that must be leveraged in favour of the Commission.
- 43 The current plan is logical, coherent and realistic. Implementation will build on this foundation, as detailed below.

### **Essential Requirements of the Strategic Plan**

- 44 The successful implementation of the present plan demands that a number of essential requirements are secured, namely:
- i. Internalize the Strategic Plan, to ensure ownership at all levels of the African Commission. This requirement will be facilitated through a retreat for Commissioners and staff;
  - ii. The Bureau and the Working Group on Specific Issues (WGSi) have a vital role in providing effective co-ordination and direction for implementation;
  - iii. Ensure that the plan is guided by and works towards pre-set and verifiable results and outcomes, as outlined in the Implementation Matrix annexed to this plan;
  - iv. A robust system to monitor the implementation of the plan, and which is able to provide timely feedback and facilitate adjustments, where required. In addition, there will be periodic evaluation of projects and activities to determine whether intended outcomes and impact have or are being realised. The Secretary of the Commission will produce Reports on implementation of the Strategic Plan, which will be presented at each Ordinary Session;
  - v. Before the Ordinary Session, the WGSi will meet to review the Secretary's Report on Implementation, which will then be presented to the Commission for consideration;
  - vi. Ensuring effective internal communication system is in place to support collective ownership of the plan as well as knowledge and information sharing;
  - vii. Availability of adequate financial resources to implement the projects and activities earmarked. Priority will be given to implementing the proposals on resource mobilisation in this plan;
  - viii. Effective and timely implementation of agreed projects and activities to ensure that the expected outcomes are met.

- ix. Identify competent and relevant staff to deliver the different aspects of the plan.
- x. The strategy and activities are broken down into action plans and individual work plans that respective staffs execute and are held accountable for.
- xi. The plan will be integrated into the day-to-day operations of the Commission and the role of individual staff through the action plans and individual work plans. Training on results based management will be undertaken to follow through on the outcomes of the strategic plans;
- xii. Effective supervision and performance management are established to facilitate the implementation of action plans and individual work plans.
- xiii. Conduct progress review and periodic risk assessment to ensure that the plan is able to stay ahead of possible issues that might derail it;
- xiv. Publication and wide dissemination of the plan to partners, State Parties, and other relevant stakeholders;

45 The foregoing list of essential requirements has been built into the key performance indicators determining the delivery of that strategic objective.

### **Progress Monitoring and Evaluation**

46 The system for performance monitoring of this plan will comprise the following inter-related elements, namely:

- i. Disciplined focus on the Key Performance Areas (KPAs) and Performance Indicators as expression of the expected outcomes and impact of the plan;
- ii. Indicative targets set out in the Implementation Matrix, which provide indication of what is to be accomplished year-on-year as the plan implementation progresses;
- iii. The action plan and Individual Work Plans, which will set out the detailed actions as well as the quality assurance standards that must be complied in order to achieve the required outcomes;
- iv. Role of the Finance Department in tracking the budget and funding situation of the organisation;
- v. Feedback from staff responsible for the execution of the individual projects and activities;
- vi. Performance management of staff;
- vii. Effective management of potential risks;
- viii. Designated committees/meetings for the monitoring of projects and the entire plan:
  - a. The implementation matrix allocates responsibility for monitoring progress of the various strategies, including the Bureau, the WGSI, WGC, and the Secretary;
  - b. Monthly Management staff meeting;

47 Making up the monitoring system for this plan, the foregoing will hopefully provide a wide scope for tracking the implementation and making necessary adjustments as it progresses.

## PART IX. RISK ASSESSMENT

48 Assessment of risks faced by the proposed Strategic Plan is paramount in achieving its objectives. To this end, the priority risk factors are summarised below and actions to mitigate these risks recommended :

**48.1** The Strategic Plan is not translated into a living document.

**Mitigation:** The Commission should own the document, publicize it, and enhance the commitment of the staff on implementation.

**48.2** The Commissioners work on part-time basis, hence they have limited time to implement the Strategic Plan;

**Mitigation:** The Bureau and WGSJ should be tasked to monitor implementation.

**48.3** The Secretariat is under-staffed;

**Mitigation:** Commitment to recruit competent staff for the Secretariat.

**48.4** Inability of the Commission to effectively highlight its standing as a premier Human Rights Institution in Africa;

**Mitigation:** Adopt an aggressive Communications strategy to improve visibility and relevance within the continent;

**48.5** Lack of funding to implement programmes and activities emanating from the strategic plan.

**Mitigation:** Request for technical assistance from partners in this area.

**48.6** Limited implementation of the performance monitoring and review system for the Strategic Plan.

**Mitigation:** STC to oversee monitoring and evaluation of the Plan and source funds from partners for Monitoring and Evaluation activities.

**48.7** Insufficient financial and material support to Commissioners to effectively discharge the mandate of the Commission.

**Mitigation:** Advocate for adequate resources to be allocated to the Commissioners.

**48.8** Financial uncertainties.

**Mitigation:** The African Commission will expand its resource mobilisation base by seeking new funding partners in the area of human rights.

**48.9** Unforeseen events in the socio-political environment that would affect the implementation of the Strategic Plan.

**Mitigation:** Through monitoring and evaluation systems the Commission will keep abreast of what changes are taking place around the continent and appropriate actions be taken.

**48.10** Centralization of administrative processes of the Commission by the AU.

Most administrative functions such as Human Resources Management, procurement, ICT and partnership contracts are all performed at the headquarters. This impedes the pace of implementation of the Strategic Plan.

**Mitigation:** The Commission will continue to engage various departments of the AUC to gradually assert its administrative autonomy.