



DRAFT CONCEPT NOTE

40th ANNIVERSARY OF THE ADOPTION OF THE AFRICAN CHARTER ON HUMAN AND PEOPLES' RIGHTS

To be held virtually on 28 June 2021

Zoom link: https://zoom.us/webinar/register/WN_ohurjYP-Q7Wsp2EmCMCLuA

I. BACKGROUND AND RATIONALE

1. On Monday 28 June 2021, the African Commission on Human and Peoples' Rights (the African Commission) will launch the celebration of the 40th anniversary of the African Charter on Human and Peoples' Rights (the African Charter) adopted in Nairobi, Kenya on 27 June 1981 by the Assembly of Heads of State of the then Organization of African Unity (OAU). Built on the vision of inspiring and characterizing the thinking of African States on the concept of promotion and protection of human and peoples' rights on the continent, the African Charter is the backbone of the African human rights system. It is equally iconic in its contribution to the corpus of international human rights in its recognition of the universality, interdependence and indivisibility of human rights, on one hand, and the juxtaposition of individual and collective rights, and duties, on the other hand.
2. The African Charter is also an instrument that has adapted itself to its environment, by inclusion of the rights of varied categories of individuals and peoples, such as women, family, the elderly, people living with disabilities, and indigenous communities. It enables cooperation between its premier mechanism for human rights promotion and protection, that is, the African Commission, and other African and international institutions concerned with the promotion and protection of human and peoples' rights. In addition, the African Charter gives room for the creation and adoption of special protocols to supplement its provisions, such as the Protocol on the Establishment of an African Court on Human and Peoples' Rights which established the African Court on Human and Peoples' Rights (the African Court) to complement the protection mandate of the African Commission.
3. Since its entry into force, the African Charter has enabled individuals and communities to exercise their fundamental rights at both national and continental levels. It has also helped to balance the concept of state sovereignty vis-a-vis accountability, by emphasizing that human rights violations can no longer be swept under the carpet of 'internal affairs'.
4. The African Charter has proven to be an indispensable human rights instrument. By so doing, it has earned the admiration and collaboration of Civil Society

Organizations (CSOs), National Human Rights Institutions (NHRIs) and international organizations working in the area of human rights. Now more than ever, the African human rights system continues to deal with human rights violations by States Parties against their citizens or other States Parties, which threaten the economic and sustainable development goals of Africa as well as its stability. The celebration of the 40th anniversary therefore aims at encouraging States Parties to the African Charter, to renew their commitments to the implementation of the African Charter.

5. The context of the Agenda 2063 of the African Union, and the reform of the African Union (AU) provides a unique opportunity to brainstorm on innovations that could facilitate better functioning of the African human rights system that will achieve the Africa we want.
6. This celebration which will take place throughout the rest of 2021 will be marked by a series of events, beginning with keynote addresses and a high-level panel discussion on 28 June 2021 by various stakeholders and key actors working in the promotion and protection of human rights. We envisage that these discussions will sensitize the general public on the African Charter and the work of the mechanisms responsible for the monitoring of its effective implementation. The discussions will also provide an opportunity to assess the achievements and challenges of the implementing the African human rights system and make possible recommendations to various stakeholders.
7. Other activities, including the launch of a commemorative newsletter, social media campaigns, will be carried out throughout the year in celebration of the 40 years of the African Charter.
8. The commemoration will draw attention to the values and principles enshrined in the African Charter and its various Protocols and facilitate renewal of stakeholders' commitment to the realization of Aspiration 3 of the Agenda 2063, which calls for "An Africa of good governance, democracy, respect for human rights, justice and the rule of law".
9. The theme of the 40th anniversary will be: *"Realities of 40 years of implementation of the African Charter on Human and Peoples' Rights and the journey towards the Africa We Want"*

II. OVERALL OBJECTIVE

10. The overall objective of this celebration is to shed light on human rights in Africa 40 years after the adoption of the African Charter, identifying main achievements, challenges and the way forward, particularly in the context of “the Africa we want”

III. SPECIFIC OBJECTIVES

11. The Specific objectives of the commemoration, among others, are to:

- ✓ Measure the impact of the African Charter in the promotion, protection and enjoyment of human rights in the States Parties;
- ✓ Make an appraisal of the achievements and challenges, draw conclusions and establish perspectives for the future;
- ✓ Provide a forum for constructive engagement between the African Commission and various stakeholders for an effective promotion and protection of human rights in Africa;
- ✓ Raise public awareness of the African, and sensitize all the people on the African human rights system and the need to know, take ownership and make use of it; and
- ✓ Identify the changes that are needed to make the African human rights system accountable, efficient and effective.

IV. EXPECTED OUTCOMES

12. The expected outcome of this celebration will be:

- ✓ Broader knowledge, ownership and use of the African Charter and the African human rights system;
- ✓ Concrete proposals for the reform of the African human rights system;
- ✓ Stakeholders, especially key actors, are mobilized to commit to engaging in the promotion and protection of human and peoples’ rights on the continent; and
- ✓ Awareness raised on the responsibilities of the States Parties, with a view to put in place legislative and other measures in the promotion and protection of human rights.

V. METHODOLOGY & LANGUAGE

13. Due to the COVID-19 pandemic, the launch of the Commemoration will be held virtually. Participants will be required to register to follow the event.
14. The Commemoration will commence with keynote addresses and presentations, which will be followed by panel discussions presented in three Sessions:
 - Session 1:** The historical and contemporary significance of the African Charter on Human and Peoples' Rights;
 - Session 2:** Addressing the gap between the promise of the African Charter and the prevalence of human rights violations; and
 - Session 3:** The contributions of the African Charter to international human rights law and practice.
15. After each session, participants will be invited to engage with the panellists by asking questions, making contributions, comments and concrete recommendations.
16. The Commemoration will last three and half hours. It will be conducted in the four (4) working languages of the African Commission (Arabic, English, French and Portuguese), with simultaneous interpretation provided.

VI. PARTICIPATION

17. The launch of the Celebration of the 40th Anniversary of the Adoption of the African Charter will be attended by various stakeholders, including representatives of States parties, AU Organs/departments, International and Intergovernmental Organizations, Regional Courts, NHRIs, CSOs, academics, students, and the Media.

VII. PANELISTS

- A Key note speaker;
- A Representative of States Parties;
- A Member of the African Commission;

- A Representative of the African Court;
- A Representative of the Office of the Legal Counsel of the AU;
- A Representative of the Office of the United Nations High Commissioner for Human Rights;
- A Representative of the European Union;
- A Representative of the NHRI;
- A Representative of the Non-Governmental Organisations.

VIII. DATE & TIME

18. The commemoration launch will be held virtually on Monday, **28th June 2021**, from **09:00hrs - 14:00hrs GMT**