

**AFRICAN  
UNION: A  
Human Rights  
Agenda For  
The New  
Chairperson**

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African Union  
A Human Rights Agenda for the New Chairperson

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**Amnesty International is a global movement of more than 3 million supporters, members and activists in more than 150 countries and territories who campaign to end grave abuses of human rights.**

**Our vision is for every person to enjoy all the rights enshrined in the Universal Declaration of Human Rights and other international human rights standards.**

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## INTRODUCTION

Since its inception in 2002, the African Union (AU) has become a central player in Africa in the areas of conflict resolution, peace and security, international justice and the general promotion and protection of human rights. The AU took has taken a more active role in addressing these issues on the continent than its predecessor, the Organisation of African Unity (OAU). As a consequence, the Office of the Chairperson of the African Union Commission (AUC), to which Dr. Nkosazana Dhlamini-Zuma was elected by the 19<sup>th</sup> AU Summit, plays a pivotal role in addressing human rights issues on the continent. As Dr. Dhlamini-Zuma assumes office as the new chair, Amnesty International draws her attention to the following human rights issues which have been on the agenda of the AU and will continue to be so for sometime to come. Amnesty International hopes that Dr. Dhlamini-Zuma will prioritise human rights issues during her tenure as chair of the AUC and that human rights will form the cornerstone of the work that she will do in her new role.

## ADDRESS THE HUMAN RIGHTS SITUATION IN SOMALIA AND SUDAN

Somalia is at a crucial juncture. On 20 August 2012, the “transitional” period in Somalia, which started in 2004 with the establishment of transitional institutions, ended according to a roadmap agreed in September 2011 by several Somali regional authorities and the international community. A new political entity is due to be put in place to replace Somalia’s Transitional Federal Government (TFG) in Mogadishu, Somalia’s capital.

During the “transitional” period, internal armed conflict has intensified, with indiscriminate attacks, targeted killings and other human rights abuses becoming part of daily life for the civilian population. Armed conflict continues today, pitting TFG forces, allied militia, an AU peace support operation and Kenyan and Ethiopian armed forces, against the Islamist armed group al-Shabab.

Little attention has been given to the appalling human rights situation in the country, even as military operations and international efforts to stabilise the country and dislodge al-Shabab intensify. Amnesty International urges the African Union to place the protection of human rights at the heart of all of its actions and policies on Somalia.

In the area of protection of civilians, Amnesty International remains concerned at the impact of continued fighting between parties to the conflict on civilians. Increasing military operations have caused more displacement, increased civilians’ vulnerability to attacks and other human rights abuses, and has exacerbated [?] the ongoing humanitarian crisis. Tens of thousands of civilians have been displaced by fighting in recent months.

Amnesty International has been calling on all states to end arms transfers to all parties to the conflict in Somalia, including TFG forces and allied militia, until effective mechanisms are in

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place to prevent such material assistance from being used in committing violations of international humanitarian and human rights law.

The United Nations (UN) arms embargo on Somalia provides for exemptions to give security assistance to the TFG, as long as states wishing to provide such support notify the UN Sanctions Committee. Yet, this obligation is not respected by all states. For instance, Kenya and Ethiopia have yet to notify the Sanctions Committee about support they give to TFG-allied militias.

Allegations of human rights violations by forces fighting on behalf of the TFG have not been investigated. For example, the Kenyan Prime Minister stated that civilian deaths resulting from Kenya's military operations in Somalia would be investigated, including airstrikes in Jilib, Lower Jubba, on 30 October 2011 which killed at least five people, including three children, and injured at least 52 others, including 31 children. However, there is no information as to whether any investigation was carried out or on its findings.

Kenyan and Ethiopian armed forces continue to fight alongside militia loosely affiliated with the TFG. Amnesty International has received reports that in some of these areas, persons have been extra-judicially executed, subject to enforced disappearances or arbitrarily detained. The lack of adequate human rights monitoring, documenting and reporting in these areas allows human rights abuses to go unchecked.

While fighting has decreased in Mogadishu with the withdrawal of al-Shabab, the security situation remains volatile. In particular, infighting amongst TFG units has caused civilian deaths and injuries.

As thousands of people displaced by drought and lack of access to aid flow into Mogadishu, there have been numerous reports of looting of aid and rape of women and girls, sometimes by men in TFG uniforms. The TFG has sought to address infighting among TFG troops and looting of aid through a military court, which has sentenced alleged perpetrators to death after summary or unfair trials.

The situation for civil society actors in areas under the control of the TFG remains of acute concern. Eight media workers have been killed in Somalia since December 2011; six of them in areas under the control of the TFG.

The African Commission on Human and Peoples' Rights has expressed serious concern about the situation of journalists in Somalia. At its 51st Ordinary Session held in The Gambia from 18 April to 2 May 2012, the Commission passed a resolution condemning the killings of journalists in Somalia, urging the TFG and other Somali authorities to investigate violations committed against journalists.

Somalia's children have borne the brunt of the armed conflict. They have been forcibly recruited to fight by al-Shabab on a large-scale, and in some areas, in a systematic manner. Such recruitment has been conducted in schools, and teachers have also been targeted by the armed group. Girls have also been used to support fighters, and some have been subjected to forced marriages. The TFG has also been accused of having child soldiers in its ranks, though not on the same scale as al-Shabab. Children are said to be used mainly by

militia affiliated to the TFG.

In areas of southern and central Somalia which remain under al-Shabab control, forced recruitment of children and adults for the purposes of enlisting them to fight continues to be reported.

The TFG took an important step forward in addressing the continued presence of children in their armed forces by signing an action plan with the UN to end the recruitment and use of children in their armed forces in July 2012.

The armed conflict in southern and central Somalia has had a significant impact on Somalia's neighbours. Almost one million Somali people have sought refuge in the region. Over half a million of these people have sought refuge in Kenya, and in particular the Dadaab refugee camps in North Eastern Province. Undoubtedly, Kenya has shouldered the lion's share of responsibility for Somali refugees

In recent months, Kenyan government officials have repeatedly and publicly stated their intention to close the Dadaab refugee camps and forcibly return all refugees across the border into Somali territory. Yet, the situation in southern and central Somalia remains extremely volatile, with gross human rights violations and indiscriminate and generalized violence the norm. The Kenyan threats undermine the right to seek asylum and would violate the international prohibition on *refoulement*.

Following the kidnapping of two aid workers from Dadaab and the Kenyan military intervention in Somalia in October 2011, the security situation in Dadaab has deteriorated significantly. At least three refugee community leaders have been killed in the camps since December 2011, and there have been a number of attacks including grenades thrown at police posts and officers, improvised explosive devices planted along the road towards Dadaab and attacks and kidnappings from towns close to the Somali border, affecting Kenyans and Somalis alike. Humanitarian assistance to refugees in the camps remains severely restricted, with only life-saving activities being carried out.

Registration of newly-arrived people at Dadaab,, which the Kenyan authorities suspended in October 2011, has not resumed. Newly arrived refugees are not screened for medical or other purposes and the lack of registration hampers refugee status determination, and the identification of individuals in need of special assistance or emergency intervention.

As a result, many newly-arrived people have been forced to stay in makeshift tents on the outskirts of Dadaab. They are not easily able to access humanitarian assistance, including food and shelter. Women and girls in these makeshift camps are particularly vulnerable to sexual and gender based violence, including rape.

The AU should support action to address wide-ranging impunity for decades of human rights violations and abuses in Somalia, some of which could amount to war crimes. Unless impunity is tackled, perpetrators of human right abuses have no incentive to stop, and others are encouraged to commit abuses. To date, impunity for human rights violations and abuses has not been addressed by the Somali authorities, the AU or by the international community. Calls by international and Somali civil society for a Commission of Inquiry into crimes under

international law committed in Somalia have yet to be acted upon. The Somali civilian population is left on its own to bear the brunt of a deadly cycle of violence and impunity. Yet, the international community has discussed accountability in Somalia with respect to corruption, mismanagement of funds and crimes of piracy. The international community has made substantial efforts to investigate and prosecute those suspected of involvement in piracy.

## **TO HELP IMPROVE THE PROTECTION OF CIVILIANS AND RESPECT AND PROTECTION OF HUMAN RIGHTS IN SOMALIA, THE AFRICAN UNION SHOULD:**

Call on AU member states military engaged in Somalia or contributing troops to AMISOM to observe the principle of distinction between civilians and civilian objects, and military objectives at all times, and to take all feasible precautions in attack, and in assessing the expected effects of attack, in order to protect civilians. This includes doing everything feasible to verify that targets are military objectives; using only those means and methods of warfare that can be applied in compliance with the principle of distinction; giving effective advance warning of attacks which may affect the civilian population, unless circumstances do not permit; and respect the prohibition on attacks which may be expected to cause death and injury to civilians or damage to civilian objects which would be excessive in relation to the anticipated military advantage. Such precautions must also take into account the effect that fighting may have on relief operations to support the civilian population, particularly given the acute humanitarian crisis currently affecting civilians in southern Somalia.

Ensure that all troops from AU member states deployed in Somalia are fully trained in international humanitarian and human rights law, and that all reports of unlawful attacks in Somalia in which AU member states and AMISOM may have been involved are fully, independently and impartially investigated. The results of such investigations should be made public and available to the Somali population. Victims of violations of international law must receive reparation, and anyone, including those with command responsibility reasonably suspected of violating international humanitarian law must be brought to justice in fair trials, without recourse to the death penalty.

Keep the rules of engagement of AMISOM under continuous review to ensure that they are fully consistent with international human rights and humanitarian law in all its operations in Somalia, including ahead of and during military offensives;

Call on all AU member states to respect the UN arms embargo on Somalia, including the obligation to request exemptions for any security sector assistance to the TFG. The AU should also ensure that TFG forces receive training on accountable arms management and safe storage, according to international standards and best practice procedures, so as to monitor risks that arms and security equipment may be diverted or misused.

Call on the TFG to establish and run an impartial screening or vetting mechanism as part of recruitment procedures into its security forces, to ensure that they do not include persons reasonably suspected of violations of humanitarian law or human rights abuses, pending

independent and impartial investigations.

Support the TFG to implement the action plan agreed with the UN to end the recruitment of children in armed forces, and to systematically screen all TFG units to verify that children are not among TFG forces to establish effective screening procedures to ensure that persons aged under 18 are not recruited in TFG security forces and allied militia and forces;

Support the TFG to cooperate with international and Somali organizations working on children's rights to implement the action plan to end the recruitment and use of children in its armed forces; finalize, sign and implement an action plan with the UN to stop the killing and maiming of children by TFG and allied forces; and to ratify the African Charter on the Rights and Welfare of the Child and UN Convention on the Rights of the Child and its two Optional Protocols.

Make clear to the TFG and pro-TFG forces that they must treat children captured or disassociated from armed opposition groups humanely, to provide them with the care and protection they require. Children should only be detained as a measure of last resort. The AU and its member states should also provide technical and financial assistance for demobilisation, disarmament and reintegration programs for child soldiers, and for the provision of psychosocial support.

Call on the TFG to open or complete independent and impartial investigations into all alleged abuses by its forces and allied militia and to bring to justice, in fair trials and without application of the death penalty, those found responsible.

Press all Somali authorities to investigate the killings of journalists, and bring those responsible to justice in fair trials conducted in full conformity with international standards and without recourse to the death penalty.

Call on all AU Member States to allow entry to individuals fleeing from conflict in Somalia, give them protection and assistance and not to forcibly return any individual to South and Central Somalia.

With respect to the situation of refugees in Kenya, call on the international community to open or increase resettlement programmes for Somali refugees in Kenya, to provide support to integration projects for refugees in Kenya, both in refugee camps and in urban areas, and to engage with the Kenyan government to reinforce the protection of refugees against abuses, including human rights violations by Kenyan security forces.

Support the creation of an independent Commission of Inquiry or similar mechanism to investigate crimes under international law committed in Somalia and recommend further measures for accountability.

## SUDAN

The human rights situation in Sudan continues to deteriorate as a result of ongoing conflict in Southern Kordofan and Blue Nile states, and through the repression of protests, media and activists throughout Sudan.

Armed conflict in Sudan's Southern Kordofan and Blue Nile states since June 2011 between the Sudanese Armed Forces (SAF) and armed opposition group, the Sudan Peoples Liberation Movement/Army-North (SPLM/A-N), has displaced over 500,000 people in both states and forced over 204,000 people to flee to neighbouring South Sudan and Ethiopia.

Ongoing indiscriminate aerial bombardments by the Sudanese Armed Forces (SAF) have severely harmed civilians. The consequent loss of life, injury and destruction of civilian property has prevented civilians from cultivating their fields, leading to severe food shortages in Southern Kordofan and Blue Nile states. Food shortages have further been compounded by an aid blockade by the Sudanese authorities in the two states, forcing hundreds of thousands of civilians to flee the conflict-affected areas.

Many have since become refugees in camps in South Sudan. In these camps they face human rights abuses and humanitarian challenges, including severe water shortages and insufficient food rations, lack of access to education, inadequate protection from the risk of sexual and gender based violence, and the presence of armed elements in the camps, which further compromises their relative safety. Amnesty International has received alarming reports of high child mortality rates in Yida refugee camp in Unity State, exceeding accepted international standards for emergencies, with an average of five children deaths per day.

Against the backdrop of conflict, Sudanese authorities have also arrested hundreds of perceived or known SPLM-N supporters throughout Sudan, many of whom are being held incommunicado, without charge or access to a lawyer or their family.

Meanwhile, the Sudanese government continues to clamp down on freedom of expression and peaceful assembly. The 2010 National Security Act gives the National Security Service (NSS) extensive powers to arrest people and to detain them without charge. This perpetuates a climate of impunity.

Security forces have used excessive force against a wave of largely peaceful demonstrations which broke out on 17 June in reaction to the removal of subsidies on fuel and basic foodstuff. Police forces used tear gas, batons, rubber-coated bullets and live ammunition against protesters, while 'thugs' and plainclothes security agents attacked demonstrators using plastic pipes. The NSS arrested hundreds of demonstrators, but also political and civil-society activists, regardless of whether they were involved in protests. Detainees included lawyers, journalists, NGO representatives, doctors, bloggers, and suspected or known activists from opposition parties and youth groups.



Most of those arrested at the time of the June 2012 protests were detained without access to a lawyer or their families. Many have been subjected to ill-treatments. Amnesty International also documented cases of torture.

Most detainees were released within hours or days, either without charges or following summary trials, where some were sentenced to be whipped or had to pay fines. However some remain in incommunicado detention and are at risk of torture.

Such repression of peaceful demonstrations is consistent with previous patterns of human rights violations committed by government forces in reaction to peaceful demonstrations, notably in January 2011.

In parallel, the Sudanese government continues to impose heavy restriction on the media. Since early 2011, Sudanese authorities have attempted to control independent Sudanese media including through preventing the publication of articles or opinion pieces, banning certain journalists from writing for newspapers, and confiscating newspapers after they have been printed thereby causing financial losses for newspapers.

Editors face great pressure from NSS agents, with whom they must remain in daily contact, and some have repeatedly been threatened with dismissal or cancellation of their newspaper's license in a bid to coerce media coverage of events. Newspapers also face forms of direct censorship.

Journalists are frequently subject to arrest and criminal charges. At least six journalists were arrested and temporarily detained while attempting to cover demonstrations in Khartoum and its suburbs during the June – July 2012 protest movement. Among them were several Sudanese journalists, as well as international reporters, notably Simon Martelli, from AFP, and Bloomberg reporter Salma al-Wardany, an Egyptian national who was deported by the Sudanese government on 26 June.

The AU should consider the situation in Sudan as a matter of priority.

Amnesty International calls on the AU to:

Demand an immediate end to indiscriminate aerial bombings and other violations of international human rights and humanitarian law by the Government of Sudan in Southern Kordofan and Blue Nile;

Demand that the Government of Sudan allows humanitarian organizations and independent human rights monitors immediate and unhindered access to both states;

Support the establishment of an independent inquiry into the alleged violations and abuses of international human rights and humanitarian law by all parties to the conflict in Southern Kordofan and Blue Nile since June 2011;

Suspend all international arms transfers to the government of Sudan and expand immediately the current UN arms embargo on Darfur to cover the whole of Sudan, in order to stop military and related supplies reaching all parties to the conflict in Darfur, as well as to prevent the

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deployment and use of conventional arms in Southern Kordofan and Blue Nile, used to commit violations of international humanitarian and human rights law;

Call on the Sudanese authorities to reform relevant laws, including the 2010 National Security Act, in accordance with Sudan's international human rights obligations;

Demand that the Sudanese government end its repression of peaceful protests and release or charge with recognizable criminal offences individuals arrested for taking part in demonstrations;

Call on the Sudanese authorities to immediately stop the harassment and intimidation of journalists, writers and editors in Sudan and respect their right to freedom of expression.

## SUPPORT THE WORK OF THE INTERNATIONAL CRIMINAL COURT

The International Criminal Court (ICC) is currently investigating and prosecuting crimes in seven AU member states. This offers an important opportunity to deliver justice to African victims and increase efforts against impunity in those countries where the authorities currently are unable or unwilling to genuinely investigate and prosecute the crimes. To succeed, the ICC requires the strong support and cooperation of states in the region. Fortunately, African states have been among the strongest supporters of the ICC – 33 of the 54 states parties have so far ratified the Rome Statute.

However, in recent years, this support has been challenged before the AU, most notably after the ICC issued an arrest warrant against Sudanese President Omar al-Bashir. Amnesty International is concerned by the AU's reaction, including decisions which seek to preclude states parties to the Rome Statute and other states from fulfilling their obligations to arrest and surrender suspects to the ICC and which call on the UN Security Council to defer the case against President Bashir.

Amnesty International is appalled at the recent decision which encourages AU members to enter into bi-lateral impunity agreements committing not to arrest and surrender senior officials who are charged with genocide, crimes against humanity and war crimes. As Amnesty International determined a decade ago, when the United States of America was promoting similar agreements, such action violates the spirit and the letter of the Rome Statute. The AU decision presents a major challenge for the ICC and its new Prosecutor, Fatou Bensouda, and the ability of the ICC to perform its role.

We urge you to play a constructive role in building stronger AU support for the ICC. We believe a strong dialogue is necessary between AU member states, the ICC and civil society, including interaction through AU events and the establishment of the proposed AU Liaison Office in Addis Ababa.

## PROMOTE THE EFFECTIVE FUNCTIONING OF THE AFRICAN COURT OF JUSTICE AND HUMAN RIGHTS

Amnesty International is concerned that the AU is seeking to expand the African Court's jurisdiction to prosecute crimes under international law without sufficient safeguards to protect the effectiveness of the African Court's existing mandate and without defining the relationship between the proposed regional criminal court and the ICC.

Amnesty International has urged African states not to proceed to adopt the Protocol or to ratify it until a budgetary system has been established that will ensure adequate long-term funding for all functions of the African Court and until the Protocol is amended to reflect that it does not affect the ICC's jurisdiction over genocide, crimes against humanity and war crimes or the obligations of states to cooperate with the ICC. As Chairperson, of the AU, we hope you will ensure the effective functioning of this vital body of human rights protection.

## PROMOTE THE USE OF UNIVERSAL JURISDICTION

Amnesty International welcomes recent efforts by the AU to promote the use of universal jurisdiction in the region to ensure that African states cannot be safe havens for crimes under international law. Although we welcome many aspects of the proposed model law on universal jurisdiction, we have also identified a number of flaws which could result in impunity and should be amended before it is enacted nationally.

We also note that universal jurisdiction must succeed in practice. Our organization is particularly concerned that since the AU called on Senegal to prosecute Hissène Habré on 'behalf of Africa' in 2006, it has failed to do so. Since then victims have filed complaints in Senegal accusing Habré of crimes against humanity and torture. Yet Senegal has not moved forward with prosecution; nor has it extradited Habré to Belgium, which stands ready to try him. On 20 July 2012, the International Court of Justice ruled that Senegal must, without further delay, submit the case of Mr Hissène Habré to its competent authorities for the purpose of prosecution, if it does not extradite him. This case is a key test of the ability to make regional justice a reality.

## TAKE CONCRETE MEASURES TO REALISE ECONOMIC, SOCIAL AND CULTURAL RIGHTS

### THE RIGHT TO ADEQUATE HOUSING

Amnesty International is concerned that the outcome documents of the 4<sup>th</sup> African Ministerial Conference on Housing and Urban Development (ACMHUD) held in March 2012 in Nairobi,

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Kenya are noticeably missing language and commitments that acknowledge African states' legal obligations under international human rights law and the African Charter on Human and Peoples' Rights to respect, protect and fulfil the right to adequate housing, including access to services such as water and sanitation.

Amnesty International welcomes commitments towards urban planning and provision of services, which the AMCHUD Nairobi Pact and Nairobi Declaration call on member states to make. However, the design and implementation of any initiatives to meet these commitments must meet international human rights standards.

The AMCHUD Nairobi Pact and Nairobi Declaration call on member states to, amongst other things: realise strategic urban planning; cover informal areas in land use planning; commit to the development of guidelines on urban planning approaches; develop strategic city wide planning that is more participatory and inclusive; take policy measures to ensure water and sanitation reaches 'un-served and under-served' areas; and pass one piece of legislation in support of sustainable and equitable provision of urban basic services to all by the time of the next AMCHUD meeting in 2014.

July 2013 will mark the tenth anniversary of the AU's Decision 29 on "Promoting the Development of Sustainable Cities in Africa", which acknowledged the challenge that rapid urbanisation presents to the continent, and formed the basis to establish AMCHUD.

Yet, despite clear international and African regional human rights standards guaranteeing the right to adequate housing and prohibiting forced evictions -standards that have been accepted by all AU member states - Amnesty International has repeatedly documented shocking violations of these human rights by many of these same member states.

Amnesty International's research has shown that millions of residents of slums and informal settlements are particularly vulnerable to a range of serious human rights violations, including inadequate housing, forced evictions and lack of equal access to water, sanitation, education and health. They are also frequently denied the equal protection of the law and policing which respects human rights. Amnesty International maintains that there can be no sustainable urbanisation without adequate protection for the human rights of all residents.

Thousands of residents of slums and informal settlements and civil society organisations across Africa, including those in Nigeria, Kenya, Ghana, Egypt, Zimbabwe and Chad, are calling on their governments and local authorities to end forced evictions and respect housing rights.

Ten years after the AU's Decision 29, the AU and its member states must take stock of the work done in the last decade to address the problem of rapid urbanization in Africa and to recommit itself to finding solutions that comply with their human rights obligations for all those living in cities, regardless of their circumstances.

In this regard Amnesty International urges the AU Chairperson to bring the following issues to the attention of the Heads of State:

The need for the AU to adopt a declaration on adequate housing that reflects international

and regional human rights standards, including the prohibition on forced evictions.

The need for the Member States of the AU to comply with the 'Principles and Guidelines to interpret Economic, Social and Cultural Rights in Africa' recently adopted by the African Commission on Human and Peoples' Rights and to use them as a guide for the development of appropriate policies and plans which both respect residents' rights and encourages their full and active participation in the reform process.

The importance of detailed periodic reporting by member states on fulfilment of their obligations related to the right to adequate housing and other related rights to the African Commission on Human and Peoples' Rights.

That an action plan to support the fulfilment of the right to adequate housing is part of the AU's Human Rights Strategy for Africa.

That the right to housing be selected as a theme for a forthcoming Summit of Heads of State and Government, with a view to committing to and adopting concrete measures to improve access to adequate housing on the continent.

#### **CALL ON MEMBER STATES OF THE AU TO RATIFY THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS**

Amnesty International calls upon the new Chair of the African Union Commission to urge States Parties to the African Charter that have not done so to ratify the International Covenant on Economic, Social and Cultural Rights (ICESCR), and its Optional Protocol. We also request the Chair to call upon States Parties to take immediate steps, individually and through international assistance and cooperation, to fulfil their obligations under these instruments, as expeditiously as possible, and using the maximum of available resources including those available through international cooperation and assistance.

Forty seven of the member states of the AU are parties to the ICESCR. The ICESCR includes many of the rights that are included explicitly or implicitly within the African Charter, including the rights to health, education, housing and food. The two systems are complementary.

The Optional Protocol will enable people whose economic, social and cultural rights have been violated in their own country, and who have been denied an effective national remedy, to seek justice at the international level. States which become party to the Protocol will establish a vital tool for people, in particular for those living in poverty, to hold their governments accountable for their rights.

The Protocol was adopted by the United Nations General Assembly by consensus on 10 December 2008 and opened for ratification in September 2009. The complaint mechanism will become operational after 10 countries become party to the Protocol. It has been signed by 40 countries, including 10 African countries: Cape Verde, Congo, Democratic Republic of Congo, Gabon, Ghana, Guinea-Bissau, Madagascar, Mali, Senegal and Togo, and ratified by 8 countries. An African country has yet to ratify the Protocol.

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The African Commission on Human and Peoples' Rights at its 51st ordinary Session in Banjul, The Gambia, passed a resolution in support of the ICESCR and its Optional Protocol, recalling its mandate to promote and protect human and peoples' rights in Africa pursuant to the African Charter on Human and Peoples' Rights.

We urge the Chair of the African Union Commission to call on African States to show international leadership on this issue. By becoming a party to the ICESCR and its Protocol, African States would send an important signal to rest of the world that it is time to ensure access to remedies to victims of all forms of human rights violations. They would place a renewed emphasis on economic, social and cultural rights national and internationally.

The body of decisions by the African Commission, and a range of case law from African states, have produced some of the best examples of the legal protection of economic, social and cultural rights. African jurisprudence was repeatedly highlighted in negotiations of the Protocol at the United Nations. African states and NGOs made a significant effort to ensure that the Protocol affirmed and built on the African experience and did not weaken it by setting a lower standard of review at the international level. Ratification of the Protocol would therefore help globalise some of the achievements of the African human rights system.

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