

Statement of the Human Rights Implementation Centre, University of Bristol, to the 69th Ordinary Session of the African Commission on Human and Peoples' Rights, November 2021

Agenda item Human Rights Situation in Africa

The Human Rights Implementation Centre at the University of Bristol welcomes the opportunity to make this statement. As the Commission is aware, we have been conducting research, in collaboration with the University of Pretoria's Centre for Human Rights, tracking implementation of decisions not only of the African Commission, but also the African Court, UN and other regional treaty bodies. We have produced various outputs including a Reparations Guide for States on how to implement decisions.

We welcome the attention paid to implementation of decisions by the Commission in its meetings in Dakar and Zanzibar in 2017 and 2018 and a panel devoted to discussing the issue at its 63rd session. We also note greater specificity in the latest reparations sections of the decisions and for the calls from the Commission for States to nominate focal points. We would like to draw the Commission's attention to two key issues.

The Commission is aware of our finding that there is a lack of visibility, at national, regional and international levels, of what action has been taken to implement recommendations in decisions and this can create the impression that the African Commission, the States, complainants or others are not doing anything or that they don't have an interest in doing so. In fact, we found that this is not the case. A government may not necessarily be aware of how the African Commission monitors its own decisions. It is apparent that there is a low level of awareness of decisions and of the mandate of the African Commission at a number of levels: within government (including within the Ministry of Foreign Affairs itself); among the judiciary; parliament; and among the public more generally. Indeed, some government officials in some of the cases we examined did not know about the decision and even if they did, they did not know whether the decision had been implemented or not.

We found it is often not clear whose responsibility it is to start the implementation process at the national level: the government (Ministry of Foreign Affairs or Ministry of Justice), the victim or their lawyer, for example, and we also found it is often not clear exactly who is informing whom in government. There is often no defined line of responsibility at the national level, and while there may be National Mechanisms for Implementation, Reporting and Follow-up in a number of African States, these may not always have the mandate to drive implementation forward, or transparent methods of working. Consequently, even for those within the State, particularly the victims, it is difficult to get information on the progress of implementation.

There are consequences of a lack of transparency around the level of implementation. It obscures any positive moves made by the State. Examples of good practice do not get known and it encourages rumours rather than facts. But crucially, victims are

often unclear as to where they should go and whom to approach to find information on the progress of reparations.

We would respectfully encourage the African Commission to:

- Have a standard paragraph in each of its decisions on the merits, for the State to publish the decision at the national level, akin to the approach of the African Court, as well as to identify the key ministry responsible for coordinating implementation and getting in touch with the victims. It should also require States to publish detailed information on a regular basis on a government website and in media, including social media, on the measures taken by the State to implement the decision.
- Require that the State create a database which is both internally and externally facing which is updated regularly and which lists against each of the reparations in the decision the measures taken by the State to implement it and the line ministry responsible. There are numerous examples of such databases which can be used.
- For the State to create opportunities for dialogue with the victims, litigants, national human rights institutions, and civil society to discuss and share information to assist implementation of decisions.