
African Charter on Human and Peoples’ Rights

Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa

Rules of Procedure of the African Commission on Human and Peoples’ Rights

Also sometimes called the ‘Banjul Charter’, the African Charter was adopted by the OAU in Nairobi, Kenya, on 27 June 1981 and entered into force on 21 October 1986. The Charter is the pivotal human rights instrument of the OAU/AU. It recognises individual rights as well as peoples’ rights, rights and duties, and some socio-economic rights, in addition to civil and political rights. The supervisory mechanism created by the Charter is the African Commission on Human and Peoples’ Rights, which had its first meeting in 1987. The Commission is now being supplemented with an African Human Rights Court. The Commission’s mandate includes the review of periodic state reports on the implementation of the Charter by state parties. The Commission also has the power to review individual and inter-state complaints. All AU members are state parties to the African Charter.

Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa

Adopted in Maputo, Mozambique on 11 July 2003 and entered into force on 25 November 2005. By the end of May 2011, 30 states have become party to this Protocol.

Rules of Procedure of the African Commission on Human and Peoples’ Rights

These rules have been revised by the African Commission on Human and Peoples’ Rights during its 47th Ordinary Session held in Banjul, The Gambia, from 12 to 26 May 2010 and entered into force 18 August 2010. These Rules of Procedure replace the previous Rules of Procedure of the African Commission on Human and Peoples’ Rights, which were adopted during its 2nd Ordinary Session held in Dakar, Senegal, from 8 to 13 February 1988 and revised during the 18th Ordinary Session held in Praia, Cape Verde, from 2 to 11 October 1995.

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African Charter on Human and Peoples’ Rights


Preamble


Recalling Decision 115(XVI) of the Assembly of Heads of State and Government at its sixteenth ordinary session held in Monrovia, Liberia, from 17 to 20 July 1979 on the preparation of ‘a preliminary draft on an African Charter on Human and Peoples' Rights providing inter alia for the establishment of bodies to promote and protect human and peoples' rights’;

Considering the Charter of the Organization of African Unity, which stipulates that ‘freedom, equality, justice and dignity are essential objectives for the achievement of the legitimate aspirations of the African peoples’;

Reaffirming the pledge they solemnly made in article 2 of the said Charter to eradicate all forms of colonialism from Africa, to co-ordinate and intensify their co-operation and efforts to achieve a better life for the peoples of Africa and to promote international co-operation, having due regard to the Charter of the United Nations and the Universal Declaration of Human Rights;

Taking into consideration the virtues of their historical tradition and the values of African civilisation which should inspire and characterise their reflection on the concept of human and peoples' rights;

Recognising on the one hand, that fundamental human rights stem from the attributes of human beings, which justifies their international protection and on the other hand, that the reality and respect of peoples' rights should necessarily guarantee human rights;
Considering that the enjoyment of rights and freedom also implies the performance of duties on the part of everyone; Convinced that it is henceforth essential to pay particular attention to the right to development and that civil and political rights cannot be dissociated from economic, social and cultural rights in their conception as well as universality and that the satisfaction of economic, social and cultural rights is a guarantee for the enjoyment of civil and political rights; Conscious of their duty to achieve the total liberation of Africa, the peoples of which are still struggling for their dignity and genuine independence, and undertaking to eliminate colonialism, neocolonialism, apartheid, zionism, and to dismantle aggressive foreign military bases and all forms of discrimination, particularly those based on race, ethnic group, colour, sex, language, religion or political opinion; Reaffirming their adherence to the principles of human and peoples' rights and freedoms contained in the declarations, conventions and other instruments adopted by the Organization of African Unity, the Movement of Non-Aligned Countries and the United Nations; Firmly convinced of their duty to promote and protect human and peoples' rights and freedoms taking into account the importance traditionally attached to these rights and freedoms in Africa;

HAVE AGREED as follows:

PART I: RIGHTS AND DUTIES

CHAPTER I: Human and Peoples’ Rights

Article 1
The member states of the Organization of African Unity parties to the present Charter shall recognise the rights, duties and freedoms enshrined in this Charter and shall undertake to adopt legislative or other measures to give effect to them.
Article 2
Every individual shall be entitled to the enjoyment of the rights and freedoms recognised and guaranteed in the present Charter without distinction of any kind such as race, ethnic group, colour, sex, language, religion, political or any other opinion, national and social origin, fortune, birth or other status.

Article 3
1. Every individual shall be equal before the law.
2. Every individual shall be entitled to equal protection of the law.

Article 4
Human beings are inviolable. Every human being shall be entitled to respect for his life and the integrity of his person. No one may be arbitrarily deprived of this right.

Article 5
Every individual shall have the right to the respect of the dignity inherent in a human being and to the recognition of his legal status. All forms of exploitation and degradation of man particularly slavery, slave trade, torture, cruel, inhuman or degrading punishment and treatment shall be prohibited.

Article 6
Every individual shall have the right to liberty and to the security of his person. No one may be deprived of his freedom except for reasons and conditions previously laid down by law. In particular, no one may be arbitrarily arrested or detained.

Article 7
1. Every individual shall have the right to have his cause heard. This comprises:
   (a) the right to an appeal to competent national organs against acts violating his fundamental rights as recognised and guaranteed by conventions, laws, regulation and customs in force;
   (b) the right to be presumed innocent until proved guilty by a competent court or tribunal;
(c) the right to defence, including the right to be defended by counsel of his choice;
(d) the right to be tried within a reasonable time by an impartial court or tribunal.
2. No one may be condemned for an act or omission which did not constitute a legally punishable offence at the time it was committed. No penalty may be inflicted for an offence for which no provision was made at the time it was committed. Punishment is personal and can be imposed only on the offender.

Article 8
Freedom of conscience, the profession and free practice of religion shall be guaranteed. No one may, subject to law and order, be submitted to measures restricting the exercise of these freedoms.

Article 9
1. Every individual shall have the right to receive information.
2. Every individual shall have the right to express and disseminate his opinions within the law.

Article 10
1. Every individual shall have the right to free association provided that he abides by the law.
2. Subject to the obligation of solidarity provided for in article 29, no one may be compelled to join an association.

Article 11
Every individual shall have the right to assemble freely with others. The exercise of this right shall be subject only to necessary restrictions provided for by law in particular those enacted in the interest of national security, the safety, health, ethics and rights and freedoms of others.

Article 12
1. Every individual shall have the right to freedom of movement and residence within the borders of a state provided he abides by the law.
2. Every individual shall have the right to leave any country including his own, and to return to his country. This right may only be subject to
restrictions provided for by law for the protection of national security, law and order, public health or morality.

3. Every individual shall have the right, when persecuted, to seek and obtain asylum in other countries in accordance with the laws of those countries and international conventions.

4. A non-national legally admitted in a territory of a state party to the present Charter, may only be expelled from it by virtue of a decision taken in accordance with the law.

5. The mass expulsion of non-nationals shall be prohibited. Mass expulsion shall be that which is aimed at national, racial, ethnic or religious groups.

Article 13
1. Every citizen shall have the right to participate freely in the government of his country, either directly or through freely chosen representatives in accordance with the provisions of the law.
2. Every citizen shall have the right of equal access to the public service of his country.
3. Every individual shall have the right of access to public property and services in strict equality of all persons before the law.

Article 14
The right to property shall be guaranteed. It may only be encroached upon in the interest of public need or in the general interest of the community and in accordance with the provisions of appropriate laws.

Article 15
Every individual shall have the right to work under equitable and satisfactory conditions and shall receive equal pay for equal work.

Article 16
1. Every individual shall have the right to enjoy the best attainable state of physical and mental health.
2. State parties to the present Charter shall take the necessary measures to protect the health of their people and to ensure that they receive medical attention when they are sick.
Article 17
1. Every individual shall have the right to education.
2. Every individual may freely take part in the cultural life of his community.
3. The promotion and protection of morals and traditional values recognised by the community shall be the duty of the state.

Article 18
1. The family shall be the natural unit and basis of society. It shall be protected by the state which shall take care of its physical and moral health.
2. The state shall have the duty to assist the family which is the custodian of morals and traditional values recognised by the community.
3. The state shall ensure the elimination of every discrimination against women and also ensure the protection of the rights of the woman and the child as stipulated in international declarations and conventions.
4. The aged and the disabled shall also have the right to special measures of protection in keeping with their physical or moral needs.

Article 19
All peoples shall be equal; they shall enjoy the same respect and shall have the same rights. Nothing shall justify the domination of a people by another.

Article 20
1. All peoples shall have right to existence. They shall have the unquestionable and inalienable right to self-determination. They shall freely determine their political status and shall pursue their economic and social development according to the policy they have freely chosen.
2. Colonised or oppressed peoples shall have the right to free themselves from the bonds of domination by resorting to any means recognised by the international community.
3. All peoples shall have the right to the assistance of the state parties to the present Charter in their liberation struggle against foreign domination, be it political, economic or cultural.
Article 21
1. All peoples shall freely dispose of their wealth and natural resources. This right shall be exercised in the exclusive interest of the people. In no case shall a people be deprived of it.
2. In case of spoliation the dispossessed people shall have the right to the lawful recovery of its property as well as to an adequate compensation.
3. The free disposal of wealth and natural resources shall be exercised without prejudice to the obligation of promoting international economic co-operation based on mutual respect, equitable exchange and the principles of international law.
4. State parties to the present Charter shall individually and collectively exercise the right to free disposal of their wealth and natural resources with a view to strengthening African unity and solidarity.
5. State parties to the present Charter shall undertake to eliminate all forms of foreign economic exploitation particularly that practised by international monopolies so as to enable their peoples to fully benefit from the advantages derived from their national resources.

Article 22
1. All peoples shall have the right to their economic, social and cultural development with due regard to their freedom and identity and in the equal enjoyment of the common heritage of mankind.
2. States shall have the duty, individually or collectively, to ensure the exercise of the right to development.

Article 23
1. All peoples shall have the right to national and international peace and security. The principles of solidarity and friendly relations implicitly affirmed by the Charter of the United Nations and reaffirmed by that of the Organization of African Unity shall govern relations between states.
2. For the purpose of strengthening peace, solidarity and friendly relations, state parties to the present Charter shall ensure that:
   (a) any individual enjoying the right of asylum under article 12 of the present Charter shall not engage in subversive activities against his country of origin or any other state party to the present Charter;
(b) their territories shall not be used as bases for subversive or terrorist activities against the people of any other state party to the present Charter.

**Article 24**
All peoples shall have the right to a general satisfactory environment favourable to their development.

**Article 25**
State parties to the present Charter shall have the duty to promote and ensure through teaching, education and publication, the respect of the rights and freedoms contained in the present Charter and to see to it that these freedoms and rights as well as corresponding obligations and duties are understood.

**Article 26**
State parties to the present Charter shall have the duty to guarantee the independence of the courts and shall allow the establishment and improvement of appropriate national institutions entrusted with the promotion and protection of the rights and freedoms guaranteed by the present Charter.

**CHAPTER II: Duties**

**Article 27**
1. Every individual shall have duties towards his family and society, the state and other legally recognised communities and the international community.
2. The rights and freedoms of each individual shall be exercised with due regard to the rights of others, collective security, morality and common interest.

**Article 28**
Every individual shall have the duty to respect and consider his fellow beings without discrimination, and to maintain relations aimed at promoting, safe-guarding and reinforcing mutual respect and tolerance.
Article 29
The individual shall also have the duty:
1. To preserve the harmonious development of the family and to work for the cohesion and respect of the family; to respect his parents at all times, to maintain them in case of need;
2. To serve his national community by placing his physical and intellectual abilities at its service;
3. Not to compromise the security of the state whose national or resident he is;
4. To preserve and strengthen social and national solidarity, particularly when the latter is threatened;
5. To preserve and strengthen the national independence and the territorial integrity of his country and to contribute to its defence in accordance with the law;
6. To work to the best of his abilities and competence, and to pay taxes imposed by law in the interest of the society;
7. To preserve and strengthen positive African cultural values in his relations with other members of the society, in the spirit of tolerance, dialogue and consultation and, in general, to contribute to the promotion of the moral well-being of society;
8. To contribute to the best of his abilities, at all times and at all levels, to the promotion and achievement of African unity.

PART II: MEASURES OF SAFEGUARD

CHAPTER I: Establishment and Organisation of the African Commission on Human and Peoples' Rights

Article 30
An African Commission on Human and Peoples’ Rights, hereinafter called ‘the Commission’, shall be established within the Organization of African Unity to promote human and peoples' rights and ensure their protection in Africa.
Article 31
1. The Commission shall consist of eleven members chosen from amongst African personalities of the highest reputation, known for their high morality, integrity, impartiality and competence in matters of human and peoples’ rights; particular consideration being given to persons having legal experience.
2. The members of the Commission shall serve in their personal capacity.

Article 32
The Commission shall not include more than one national of the same state.

Article 33
The members of the Commission shall be elected by secret ballot by the Assembly of Heads of State and Government, from a list of persons nominated by the state parties to the present Charter.

Article 34
Each state party to the present Charter may not nominate more than two candidates. The candidates must have the nationality of one of the state parties to the present Charter. When two candidates are nominated by a state, one of them may not be a national of that state.

Article 35
1. The Secretary-General of the Organization of African Unity shall invite state parties to the present Charter at least four months before the elections to nominate candidates.
2. The Secretary-General of the Organization of African Unity shall make an alphabetical list of the persons thus nominated and communicate it to the Heads of State and Government at least one month before the elections.

Article 36
The members of the Commission shall be elected for a six-year period and shall be eligible for re-election. However, the term of office of four
of the members elected at the first election shall terminate after two years and the term of office of the three others, at the end of four years.

**Article 37**
Immediately after the first election, the Chairman of the Assembly of Heads of State and Government of the Organization of African Unity shall draw lots to decide the names of those members referred to in article 36.

**Article 38**
After their election, the members of the Commission shall make a solemn declaration to discharge their duties impartially and faithfully.

**Article 39**
1. In case of death or resignation of a member of the Commission, the Chairman of the Commission shall immediately inform the Secretary-General of the Organization of African Unity, who shall declare the seat vacant from the date of death or from the date on which the resignation takes effect.
2. If, in the unanimous opinion of other members of the Commission, a member has stopped discharging his duties for any reason other than a temporary absence, the Chairman of the Commission shall inform the Secretary-General of the Organization of African Unity, who shall then declare the seat vacant.
3. In each of the cases anticipated above, the Assembly of Heads of State and Government shall replace the member whose seat became vacant for the remaining period of his term unless the period is less than six months.

**Article 40**
Every member of the Commission shall be in office until the date his successor assumes office.

**Article 41**
The Secretary-General of the Organization of African Unity shall appoint the Secretary of the Commission. He shall also provide the staff and services necessary for the effective discharge of the duties of the
Commission. The Organization of African Unity shall bear the costs of the staff and services.

**Article 42**
1. The Commission shall elect its Chairman and Vice-Chairman for a two-year period. They shall be eligible for re-election.
2. The Commission shall lay down its rules of procedure.
3. Seven members shall form a quorum.
4. In case of an equality of votes, the Chairman shall have a casting vote.
5. The Secretary-General may attend the meetings of the Commission. He shall neither participate in deliberations nor shall he be entitled to vote. The Chairman of the Commission may, however, invite him to speak.

**Article 43**
In discharging their duties, members of the Commission shall enjoy diplomatic privileges and immunities provided for in the General Convention on the Privileges and Immunities of the Organization of African Unity.

**Article 44**
Provision shall be made for the emoluments and allowances of the members of the Commission in the Regular Budget of the Organization of African Unity.

**CHAPTER II: Mandate of the Commission**

**Article 45**
The functions of the Commission shall be:
1. To promote human and peoples' rights and in particular:
   (a) To collect documents, undertake studies and research 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) To 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 Organization of African Unity or an African organisation recognised by the Organization of African Unity.
4. Perform any other tasks which may be entrusted to it by the Assembly of Heads of State and Government.

CHAPTER III: Procedure of the Commission

Article 46
The Commission may resort to any appropriate method of investigation; it may hear from the Secretary-General of the Organization of African Unity or any other person capable of enlightening it.

Communication from States

Article 47
If a state party to the present Charter has good reason to believe that another state party to this Charter has violated the provisions of the Charter, it may draw, by written communication, the attention of that state to the matter. This communication shall also be addressed to the Secretary-General of the Organization of African Unity and to the Chairman of the Commission. Within three months of the receipt of the communication the state to which the communication is addressed shall give the enquiring state written explanation or statement elucidating the matter. This should include as much as possible relevant information relating to the laws and rules of procedure applied and applicable and the redress already given or course of action available.
Article 48
If, within three months from the date on which the original communication is received by the state to which it is addressed, the issue is not settled to the satisfaction of the two states involved through bilateral negotiation or by any other peaceful procedure, either state shall have the right to submit the matter to the Commission through the Chairman and shall notify the other state involved.

Article 49
Notwithstanding the provisions of article 47, if a state party to the present Charter considers that another state party has violated the provisions of the Charter, it may refer the matter directly to the Commission by addressing a communication to the Chairman, to the Secretary-General of the Organization of African Unity and the state concerned.

Article 50
The Commission can only deal with a matter submitted to it after making sure that all local remedies, if they exist, have been exhausted, unless it is obvious to the Commission that the procedure of achieving these remedies would be unduly prolonged.

Article 51
1. The Commission may ask the states concerned to provide it with all relevant information.
2. When the Commission is considering the matter, states concerned may be represented before it and submit written or oral representation.

Article 52
After having obtained from the states concerned and from other sources all the information it deems necessary and after having tried all appropriate means to reach an amicable solution based on the respect of human and peoples' rights, the Commission shall prepare, within a reasonable period of time from the notification referred to in article 48, a report stating the facts and its findings. This report shall be sent to the states concerned and communicated to the Assembly of Heads of State and Government.
Article 53
While transmitting its report, the Commission may make to the Assembly of Heads of State and Government such recommendations as it deems useful.

Article 54
The Commission shall submit to each ordinary session of the Assembly of Heads of State and Government a report on its activities.

Other communications

Article 55
1. Before each session, the Secretary of the Commission shall make a list of the communications other than those of state parties to the present Charter and transmit them to the members of the Commission, who shall indicate which communications should be considered by the Commission.
2. A communication shall be considered by the Commission if a simple majority of its members so decide.

Article 56
Communications relating to human and peoples' rights referred to in article 55, received by the Commission, shall be considered if they:
1. Indicate their authors even if the latter request anonymity;
2. Are compatible with the Charter of the Organization of African Unity or with the present Charter;
3. Are not written in disparaging or insulting language directed against the state concerned and its institutions or to the Organization of African Unity;
4. Are not based exclusively on news disseminated through the mass media;
5. Are sent after exhausting local remedies, if any, unless it is obvious that this procedure is unduly prolonged;
6. Are submitted within a reasonable period from the time local remedies are exhausted or from the date the Commission is seized of the matter; and
7. Do not deal with cases which have been settled by the states involved in accordance with the principles of the Charter of the United Nations,
or the Charter of the Organization of African Unity or the provisions of the present Charter.

**Article 57**
Prior to any substantive consideration, all communications shall be brought to the knowledge of the state concerned by the Chairman of the Commission.

**Article 58**
1. When it appears after deliberations of the Commission that one or more communications apparently relate to special cases which reveal the existence of a series of serious or massive violations of human and peoples' rights, the Commission shall draw the attention of the Assembly of Heads of State and Government to these special cases.
2. The Assembly of Heads of State and Government may then request the Commission to undertake an in-depth study of these cases and make a factual report, accompanied by its findings and recommendations.
3. A case of emergency duly noticed by the Commission shall be submitted by the latter to the Chairman of the Assembly of Heads of State and Government who may request an in-depth study.

**Article 59**
1. All measures taken within the provisions of the present Chapter shall remain confidential until such a time as the Assembly of Heads of State and Government shall otherwise decide.
2. However, the report shall be published by the Chairman of the Commission upon the decision of the Assembly of Heads of State and Government.
3. The report on the activities of the Commission shall be published by its Chairman after it has been considered by the Assembly of Heads of State and Government.
CHAPTER IV: Applicable principles

Article 60
The Commission shall draw inspiration from international law on human and peoples’ rights, particularly from the provision of various African instruments on human and peoples’ rights, the Charter of the United Nations, the Charter of the Organization of African Unity, the Universal Declaration of Human Rights, other instruments adopted by the United Nations and by African countries in the field of human and peoples’ rights, as well as from the provisions of various instruments adopted within the specialised agencies of the United Nations of which the parties to the present Charter are members.

Article 61
The Commission shall also take into consideration, as subsidiary measures to determine the principles of law, other general or specialised international conventions laying down rules expressly recognised by member states of the Organization of African Unity, African practices consistent with international norms on human and peoples’ rights, customs generally accepted as law, general principles of law recognised by African states, as well as legal precedents and doctrine.

Article 62
Each state party shall undertake to submit every two years, from the date the present Charter comes into force, a report on the legislative or other measures taken with a view to giving effect to the rights and freedoms recognised and guaranteed by the present Charter.

Article 63
1. The present Charter shall be open to signature, ratification or adherence of the member states of the Organization of African Unity.
2. The instruments of ratification or adherence to the present Charter shall be deposited with the Secretary-General of the Organization of African Unity.
3. The present Charter shall come into force three months after the reception by the Secretary-General of the instruments of ratification or
adherence of a simple majority of the member states of the Organization of African Unity.

PART III: GENERAL PROVISIONS

Article 64
1. After the coming into force of the present Charter, members of the Commission shall be elected in accordance with the relevant articles of the present Charter.
2. The Secretary-General of the Organization of African Unity shall convene the first meeting of the Commission at the Headquarters of the Organization within three months of the constitution of the Commission. Thereafter, the Commission shall be convened by its Chairman whenever necessary but at least once a year.

Article 65
For each of the states that will ratify or adhere to the present Charter after its coming into force, the Charter shall take effect three months after the date of the deposit by that state of its instrument of ratification or adherence.

Article 66
Special protocols or agreements may, if necessary, supplement the provisions of the present Charter.

Article 67
The Secretary-General of the Organization of African Unity shall inform member states of the Organization of the deposit of each instrument of ratification or adherence.

Article 68
The present Charter may be amended if a state party makes a written request to that effect to the Secretary-General of the Organization of African Unity. The Assembly of Heads of State and Government may only consider the draft amendment after all the state parties have been duly informed of it and the Commission has given its opinion on it at the request of the sponsoring state. The amendment shall be approved by a
simple majority of the state parties. It shall come into force for each state which has accepted it in accordance with its constitutional procedure three months after the Secretary-General has received notice of the acceptance.
Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa


The states parties to this Protocol,


Considering that article 2 of the African Charter on Human and Peoples' Rights enshrines the principle of non-discrimination on the grounds of race, ethnic group, colour, sex, language, religion, political or any other opinion, national and social origin, fortune, birth or other status;

Further considering that article 18 of the African Charter on Human and Peoples' Rights calls on all states parties to eliminate every discrimination against women and to ensure the protection of the rights of women as stipulated in international declarations and conventions;

Noting that articles 60 and 61 of the African Charter on Human and Peoples' Rights recognise regional and international human rights instruments and African practices consistent with international norms on human and peoples' rights as being important reference points for the application and interpretation of the African Charter;

Recalling that women's rights have been recognised and guaranteed in all international human rights instruments, notably the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Elimination of All Forms of Discrimination Against Women and its Optional Protocol, the African
Charter on the Rights and Welfare of the Child, and all other international and regional conventions and covenants relating to the rights of women as being inalienable, interdependent and indivisible human rights;


Reaffirming the principle of promoting gender equality as enshrined in the Constitutive Act of the African Union as well as the New Partnership for Africa’s Development, relevant declarations, resolutions and decisions, which underline the commitment of the African states to ensure the full participation of African women as equal partners in Africa’s development;

Further noting that the African Platform for Action and the Dakar Declaration of 1994 and the Beijing Platform for Action of 1995 call on all member states of the United Nations, which have made a solemn commitment to implement them, to take concrete steps to give greater attention to the human rights of women in order to eliminate all forms of discrimination and of gender-based violence against women;

Recognising the crucial role of women in the preservation of African values based on the principles of equality, peace, freedom, dignity, justice, solidarity and democracy;

Bearing in mind related resolutions, declarations, recommendations, decisions, conventions and other regional and sub-regional instruments aimed at eliminating all forms of discrimination and at promoting equality between women and men;

Concerned that despite the ratification of the African Charter on Human and Peoples’ Rights and other international human rights instruments by the majority of states parties, and their solemn commitment to eliminate all forms of discrimination and harmful practices against women, women in Africa still continue to be victims of discrimination and harmful practices;
Firmly convinced that any practice that hinders or endangers the normal growth and affects the physical and psychological development of women and girls should be condemned and eliminated; Determined to ensure that the rights of women are promoted, realised and protected in order to enable them to enjoy fully all their human rights;

HAVE AGREED as follows:

Article 1: Definitions
For the purpose of the present Protocol:
(a) African Charter means the African Charter on Human and Peoples' Rights;
(b) African Commission means the African Commission on Human and Peoples' Rights;
(c) Assembly means the Assembly of Heads of State and Government of the African Union;
(d) AU means the African Union;
(e) Constitutive Act means the Constitutive Act of the African Union;
(f) Discrimination against women means any distinction, exclusion or restriction or any differential treatment based on sex and whose objectives or effects compromise or destroy the recognition, enjoyment or the exercise by women, regardless of their marital status, of human rights and fundamental freedoms in all spheres of life;
(g) Harmful practices means all behaviour, attitudes and/or practices which negatively affect the fundamental rights of women and girls, such as their right to life, health, dignity, education and physical integrity;
(h) NEPAD means the New Partnership for Africa’s Development established by the Assembly;
(i) States parties means the states parties to this Protocol;
(j) Violence against women means all acts perpetrated against women which cause or could cause them physical, sexual, psychological, and economic harm, including the threat to take such acts; or to undertake the imposition of arbitrary restrictions on or deprivation of fundamental freedoms in private or public life in peace time and during situations of armed conflicts or of war;
(k) Women means persons of female gender, including girls.

Article 2: Elimination of discrimination against women
1. States parties shall combat all forms of discrimination against women through appropriate legislative, institutional and other measures. In this regard they shall:
   (a) include in their national constitutions and other legislative instruments, if not already done, the principle of equality between women and men and ensure its effective application;
   (b) enact and effectively implement appropriate legislative or regulatory measures, including those prohibiting and curbing all forms of discrimination particularly those harmful practices which endanger the health and general well-being of women;
   (c) integrate a gender perspective in their policy decisions, legislation, development plans, programmes and activities and in all other spheres of life;
   (d) take corrective and positive action in those areas where discrimination against women in law and in fact continues to exist;
   (e) support the local, national, regional and continental initiatives directed at eradicating all forms of discrimination against women.
2. States parties shall commit themselves to modify the social and cultural patterns of conduct of women and men through public education, information, education and communication strategies, with a view to achieving the elimination of harmful cultural and traditional practices and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes, or on stereotyped roles for women and men.

Article 3: Right to dignity
1. Every woman shall have the right to dignity inherent in a human being and to the recognition and protection of her human and legal rights.
2. Every woman shall have the right to respect as a person and to the free development of her personality.
3. States parties shall adopt and implement appropriate measures to prohibit any exploitation or degradation of women.
4. States parties shall adopt and implement appropriate measures to ensure the protection of every woman’s right to respect for her dignity and protection of women from all forms of violence, particularly sexual and verbal violence.

Article 4: The rights to life, integrity and security of the person

1. Every woman shall be entitled to respect for her life and the integrity and security of her person. All forms of exploitation, cruel, inhuman or degrading punishment and treatment shall be prohibited.

2. States parties shall take appropriate and effective measures to:
   (a) enact and enforce laws to prohibit all forms of violence against women including unwanted or forced sex whether the violence takes place in private or public;
   (b) adopt such other legislative, administrative, social and economic measures as may be necessary to ensure the prevention, punishment and eradication of all forms of violence against women;
   (c) identify the causes and consequences of violence against women and take appropriate measures to prevent and eliminate such violence;
   (d) actively promote peace education through curricula and social communication in order to eradicate elements in traditional and cultural beliefs, practices and stereotypes which legitimise and exacerbate the persistence and tolerance of violence against women;
   (e) punish the perpetrators of violence against women and implement programmes for the rehabilitation of women victims;
   (f) establish mechanisms and accessible services for effective information, rehabilitation and reparation for victims of violence against women;
   (g) prevent and condemn trafficking in women, prosecute the perpetrators of such trafficking and protect those women most at risk;
   (h) prohibit all medical or scientific experiments on women without their informed consent;
   (i) provide adequate budgetary and other resources for the implementation and monitoring of actions aimed at preventing and eradicating violence against women;
   (j) ensure that, in those countries where the death penalty still exists, not to carry out death sentences on pregnant or nursing women;
(k) ensure that women and men enjoy equal rights in terms of access to refugee status determination procedures and that women refugees are accorded the full protection and benefits guaranteed under international refugee law, including their own identity and other documents.

Article 5: Elimination of harmful practices
States parties shall prohibit and condemn all forms of harmful practices which negatively affect the human rights of women and which are contrary to recognised international standards. States parties shall take all necessary legislative and other measures to eliminate such practices, including:
(a) creation of public awareness in all sectors of society regarding harmful practices through information, formal and informal education and outreach programmes;
(b) prohibition, through legislative measures backed by sanctions, of all forms of female genital mutilation, scarification, medicalisation and para-medicalisation of female genital mutilation and all other practices in order to eradicate them;
(c) provision of necessary support to victims of harmful practices through basic services such as health services, legal and judicial support, emotional and psychological counselling as well as vocational training to make them self-supporting;
(d) protection of women who are at risk of being subjected to harmful practices or all other forms of violence, abuse and intolerance.

Article 6: Marriage
States parties shall ensure that women and men enjoy equal rights and are regarded as equal partners in marriage. They shall enact appropriate national legislative measures to guarantee that:
(a) no marriage shall take place without the free and full consent of both parties;
(b) the minimum age of marriage for women shall be 18 years;
(c) monogamy is encouraged as the preferred form of marriage and that the rights of women in marriage and family, including in polygamous marital relationships are promoted and protected;
(d) every marriage shall be recorded in writing and registered in accordance with national laws, in order to be legally recognised;
(e) the husband and wife shall, by mutual agreement, choose their matrimonial regime and place of residence;
(f) a married woman shall have the right to retain her maiden name, to use it as she pleases, jointly or separately with her husband's surname;
(g) a woman shall have the right to retain her nationality or to acquire the nationality of her husband;
(h) a woman and a man shall have equal rights, with respect to the nationality of their children except where this is contrary to a provision in national legislation or is contrary to national security interests;
(i) a woman and a man shall jointly contribute to safeguarding the interests of the family, protecting and educating their children;
(j) during her marriage, a woman shall have the right to acquire her own property and to administer and manage it freely.

Article 7: Separation, divorce and annulment of marriage
States parties shall enact appropriate legislation to ensure that women and men enjoy the same rights in case of separation, divorce or annulment of marriage. In this regard, they shall ensure that:
(a) separation, divorce or annulment of a marriage shall be effected by judicial order;
(b) women and men shall have the same rights to seek separation, divorce or annulment of a marriage;
(c) in case of separation, divorce or annulment of marriage, women and men shall have reciprocal rights and responsibilities towards their children. In any case, the interests of the children shall be given paramount importance;
(d) in case of separation, divorce or annulment of marriage, women and men shall have the right to an equitable sharing of the joint property deriving from the marriage.

Article 8: Access to justice and equal protection before the law
Women and men are equal before the law and shall have the right to equal protection and benefit of the law. States parties shall take all appropriate measures to ensure:
(a) effective access by women to judicial and legal services, including legal aid;
(b) support to local, national, regional and continental initiatives directed at providing women access to legal services, including legal aid;
(c) the establishment of adequate educational and other appropriate structures with particular attention to women and to sensitise everyone to the rights of women;
(d) that law enforcement organs at all levels are equipped to effectively interpret and enforce gender equality rights;
(e) that women are represented equally in the judiciary and law enforcement organs;
(f) reform of existing discriminatory laws and practices in order to promote and protect the rights of women.

Article 9: Right to participation in the political and decision-making process
1. States parties shall take specific positive action to promote participative governance and the equal participation of women in the political life of their countries through affirmative action, enabling national legislation and other measures to ensure that:
(a) women participate without any discrimination in all elections;
(b) women are represented equally at all levels with men in all electoral processes;
(c) women are equal partners with men at all levels of development and implementation of state policies and development programmes.
2. States parties shall ensure increased and effective representation and participation of women at all levels of decision-making.

Article 10: Right to peace
1. Women have the right to a peaceful existence and the right to participate in the promotion and maintenance of peace.
2. States parties shall take all appropriate measures to ensure the increased participation of women:
(a) in programmes of education for peace and a culture of peace;
(b) in the structures and processes for conflict prevention, management and resolution at local, national, regional, continental and international levels;
(c) in the local, national, regional, continental and international decision making structures to ensure physical, psychological, social and legal protection of asylum seekers, refugees, returnees and displaced persons, in particular women;
(d) in all levels of the structures established for the management of camps and settlements for asylum seekers, refugees, returnees and displaced persons, in particular, women;
(e) in all aspects of planning, formulation and implementation of post-conflict reconstruction and rehabilitation.
3. States parties shall take the necessary measures to reduce military expenditure significantly in favour of spending on social development in general, and the promotion of women in particular.

Article 11: Protection of women in armed conflicts
1. States parties undertake to respect and ensure respect for the rules of international humanitarian law applicable in armed conflict situations, which affect the population, particularly women.
2. States parties shall, in accordance with the obligations incumbent upon them under international humanitarian law, protect civilians including women, irrespective of the population to which they belong, in the event of armed conflict.
3. States parties undertake to protect asylum seeking women, refugees, returnees and internally displaced persons, against all forms of violence, rape and other forms of sexual exploitation, and to ensure that such acts are considered war crimes, genocide and/or crimes against humanity and that their perpetrators are brought to justice before a competent criminal jurisdiction.
4. States parties shall take all necessary measures to ensure that no child, especially girls under 18 years of age, take a direct part in hostilities and that no child is recruited as a soldier.

Article 12: Right to education and training
1. States parties shall take all appropriate measures to:
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(a) eliminate all forms of discrimination against women and guarantee equal opportunity and access in the sphere of education and training;
(b) eliminate all stereotypes in textbooks, syllabuses and the media, that perpetuate such discrimination;
(c) protect women, especially the girl-child from all forms of abuse, including sexual harassment in schools and other educational institutions and provide for sanctions against the perpetrators of such practices;
(d) provide access to counselling and rehabilitation services to women who suffer abuses and sexual harassment;
(e) integrate gender sensitisation and human rights education at all levels of education curricula including teacher training.

2. States parties shall take specific positive action to:
(a) promote literacy among women;
(b) promote education and training for women at all levels and in all disciplines, particularly in the fields of science and technology;
(c) promote the enrolment and retention of girls in schools and other training institutions and the organisation of programmes for women who leave school prematurely.

Article 13: Economic and social welfare rights
States parties shall adopt and enforce legislative and other measures to guarantee women equal opportunities in work and career advancement and other economic opportunities. In this respect, they shall:
(a) promote equality of access to employment;
(b) promote the right to equal remuneration for jobs of equal value for women and men;
(c) ensure transparency in recruitment, promotion and dismissal of women and combat and punish sexual harassment in the workplace;
(d) guarantee women the freedom to choose their occupation, and protect them from exploitation by their employers violating and exploiting their fundamental rights as recognised and guaranteed by conventions, laws and regulations in force;
(e) create conditions to promote and support the occupations and economic activities of women, in particular, within the informal sector;
(f) establish a system of protection and social insurance for women working in the informal sector and sensitise them to adhere to it;
(g) introduce a minimum age for work and prohibit the employment of children below that age, and prohibit, combat and punish all forms of exploitation of children, especially the girl-child;
(h) take the necessary measures to recognise the economic value of the work of women in the home;
(i) guarantee adequate and paid pre- and post-natal maternity leave in both the private and public sectors;
(j) ensure the equal application of taxation laws to women and men;
(k) recognise and enforce the right of salaried women to the same allowances and entitlements as those granted to salaried men for their spouses and children;
(l) recognise that both parents bear the primary responsibility for the upbringing and development of children and that this is a social function for which the state and the private sector have secondary responsibility;
(m) take effective legislative and administrative measures to prevent the exploitation and abuse of women in advertising and pornography.

Article 14: Health and reproductive rights
1. States parties shall ensure that the right to health of women, including sexual and reproductive health is respected and promoted. This includes:
(a) the right to control their fertility;
(b) the right to decide whether to have children, the number of children and the spacing of children;
(c) the right to choose any method of contraception;
(d) the right to self-protection and to be protected against sexually transmitted infections, including HIV/AIDS;
(e) the right to be informed on one's health status and on the health status of one's partner, particularly if affected with sexually transmitted infections, including HIV/AIDS, in accordance with internationally recognised standards and best practices;
(f) the right to have family planning education.
2. States parties shall take all appropriate measures to:
(a) provide adequate, affordable and accessible health services, including information, education and communication programmes to women especially those in rural areas;
(b) establish and strengthen existing pre-natal, delivery and post-natal health and nutritional services for women during pregnancy and while they are breast-feeding;
(c) protect the reproductive rights of women by authorising medical abortion in cases of sexual assault, rape, incest, and where the continued pregnancy endangers the mental and physical health of the mother or the life of the mother or the foetus.

Article 15: **Right to food security**
States parties shall ensure that women have the right to nutritious and adequate food. In this regard, they shall take appropriate measures to:
(a) provide women with access to clean drinking water, sources of domestic fuel, land, and the means of producing nutritious food;
(b) establish adequate systems of supply and storage to ensure food security.

Article 16: **Right to adequate housing**
Women shall have the right to equal access to housing and to acceptable living conditions in a healthy environment. To ensure this right, states parties shall grant to women, whatever their marital status, access to adequate housing.

Article 17: **Right to positive cultural context**
1. Women shall have the right to live in a positive cultural context and to participate at all levels in the determination of cultural policies.
2. States parties shall take all appropriate measures to enhance the participation of women in the formulation of cultural policies at all levels.

Article 18: **Right to a healthy and sustainable environment**
1. Women shall have the right to live in a healthy and sustainable environment.
2. States parties shall take all appropriate measures to:
(a) ensure greater participation of women in the planning, management and preservation of the environment and the sustainable use of natural resources at all levels;
(b) promote research and investment in new and renewable energy sources and appropriate technologies, including information technologies and facilitate women's access to, and participation in their control;
(c) protect and enable the development of women’s indigenous knowledge systems;
(d) regulate the management, processing, storage and disposal of domestic waste;
(e) ensure that proper standards are followed for the storage, transportation and disposal of toxic waste.

Article 19: Right to sustainable development
Women shall have the right to fully enjoy their right to sustainable development. In this connection, the states parties shall take all appropriate measures to:
(a) introduce the gender perspective in the national development planning procedures;
(b) ensure participation of women at all levels in the conceptualisation, decision-making, implementation and evaluation of development policies and programmes;
(c) promote women’s access to and control over productive resources such as land and guarantee their right to property;
(d) promote women’s access to credit, training, skills development and extension services at rural and urban levels in order to provide women with a higher quality of life and reduce the level of poverty among women;
(e) take into account indicators of human development specifically relating to women in the elaboration of development policies and programmes; and
(f) ensure that the negative effects of globalisation and any adverse effects of the implementation of trade and economic policies and programmes are reduced to the minimum for women.
Article 20: Widows’ rights
States parties shall take appropriate legal measures to ensure that widows enjoy all human rights through the implementation of the following provisions:
(a) that widows are not subjected to inhuman, humiliating or degrading treatment;
(b) that a widow shall automatically become the guardian and custodian of her children, after the death of her husband, unless this is contrary to the interests and the welfare of the children;
(c) that a widow shall have the right to remarry, and in that event, to marry the person of her choice.

Article 21: Right to inheritance
1. A widow shall have the right to an equitable share in the inheritance of the property of her husband. A widow shall have the right to continue to live in the matrimonial house. In case of remarriage, she shall retain this right if the house belongs to her or she has inherited it.
2. Women and men shall have the right to inherit, in equitable shares, their parents' properties.

Article 22: Special protection of elderly women
The states parties undertake to:
(a) provide protection to elderly women and take specific measures commensurate with their physical, economic and social needs as well as their access to employment and professional training;
(b) ensure the right of elderly women to freedom from violence, including sexual abuse, discrimination based on age and the right to be treated with dignity.

Article 23: Special protection of women with disabilities
The states parties undertake to:
(a) ensure the protection of women with disabilities and take specific measures commensurate with their physical, economic and social needs to facilitate their access to employment, professional and vocational training as well as their participation in decision-making;
(b) ensure the right of women with disabilities to freedom from violence, including sexual abuse, discrimination based on disability and the right to be treated with dignity.

**Article 24:** Special protection of women in distress
The states parties undertake to:
(a) ensure the protection of poor women and women heads of families including women from marginalised population groups and provide an environment suitable to their condition and their special physical, economic and social needs;
(b) ensure the right of pregnant or nursing women or women in detention by providing them with an environment which is suitable to their condition and the right to be treated with dignity.

**Article 25:** Remedies
States parties shall undertake to:
(a) provide for appropriate remedies to any woman whose rights or freedoms, as herein recognised, have been violated;
(b) ensure that such remedies are determined by competent judicial, administrative or legislative authorities, or by any other competent authority provided for by law.

**Article 26:** Implementation and monitoring
1. States parties shall ensure the implementation of this Protocol at national level, and in their periodic reports submitted in accordance with article 62 of the African Charter, indicate the legislative and other measures undertaken for the full realisation of the rights herein recognised.
2. States parties undertake to adopt all necessary measures and in particular shall provide budgetary and other resources for the full and effective implementation of the rights herein recognised.

**Article 27:** Interpretation
The African Court on Human and Peoples' Rights shall be seized with matters of interpretation arising from the application or implementation of this Protocol.
Article 28: Signature, ratification and accession
1. This Protocol shall be open for signature, ratification and accession by the states parties, in accordance with their respective constitutional procedures.
2. The instruments of ratification or accession shall be deposited with the Chairperson of the Commission of the AU.

Article 29: Entry into force
1. This Protocol shall enter into force thirty (30) days after the deposit of the fifteenth (15th) instrument of ratification.
2. For each state party that accedes to this Protocol after its coming into force, the Protocol shall come into force on the date of deposit of the instrument of accession.
3. The Chairperson of the Commission of the AU shall notify all member states of the coming into force of this Protocol.

Article 30: Amendment and revision
1. Any state party may submit proposals for the amendment or revision of this Protocol.
2. Proposals for amendment or revision shall be submitted, in writing, to the Chairperson of the Commission of the AU who shall transmit the same to the states parties within thirty (30) days of receipt thereof.
3. The Assembly, upon advice of the African Commission, shall examine these proposals within a period of one (1) year following notification of states parties, in accordance with the provisions of paragraph 2 of this article.
4. Amendments or revision shall be adopted by the Assembly by a simple majority.
5. The amendment shall come into force for each state party, which has accepted it thirty (30) days after the Chairperson of the Commission of the AU has received notice of the acceptance.

Article 31: Status of the present protocol
None of the provisions of the present Protocol shall affect more favourable provisions for the realisation of the rights of women contained in the national legislation of states parties or in any other regional,
continental or international conventions, treaties or agreements applicable in these states parties.

**Article 32: Transitional provisions**

Pending the establishment of the African Court on Human and Peoples’ Rights, the African Commission on Human and Peoples’ Rights shall be seized with matters of interpretation arising from the application and implementation of this Protocol.
Rules of Procedure of the African Commission on Human and Peoples’ Rights

PRELIMINARY PROVISIONS

Rule 1: Objective
1. These Rules regulate the organisation and establish the procedure of the African Commission on Human and Peoples’ Rights in accordance with article 42(2) of the African Charter on Human and Peoples’ Rights.
2. In the absence of a provision in these Rules or in case of doubt as to their interpretation, the Commission shall decide.

Rule 2: Definitions
For the purpose of these Rules:
‘African Court’ refers to the African Court on Human and Peoples’ Rights.
‘Amendment to a proposed motion’ is an addition to, deletion from or revision of part of that motion.
‘Assembly’ refers to the Assembly of Heads of State and Government of the African Union.
‘Bureau’ refers to the Chairperson and Vice Chairperson.
‘Chairperson’ refers to the Chairperson of the African Commission on Human and Peoples’ Rights.
‘Commissioner’ refers to a member of the African Commission on Human and Peoples’ Rights.
‘Day’ shall be understood to be a natural day.
‘Executive Council’ refers to the Executive Council of the African Union.
‘Member State’ refers to a Member State of the African Union.
‘Secretary’ refers to the Secretary to the African Commission on Human and Peoples’ Rights.
‘Serious or massive violations’ refers to grave human rights violations as distinguished by their scale and importance.
‘Session’ refers to the statutory meetings of the Commission. This includes Ordinary and Extraordinary sessions.
‘Specialized Organs’ refers to specialized organs put in place by the United Nations and African Union.
‘State Party’ refers to African States that have ratified the African Charter on Human and Peoples’ Rights.
‘Subsidiary Mechanism’ refers to any mechanism established in accordance with Rule 23 of these Rules.
‘Third party’ refers to any other party than the complaining or defending parties.
‘Union’ refers to the African Union.
‘Vice-Chairperson’ refers to the Vice-Chairperson of the African Commission on Human and Peoples’ Rights.
‘Working Language’ refers to the working languages of the African Union.

PART 1: GENERAL RULES
CHAPTER I: Status and composition

Rule 3: Status
The African Commission is an autonomous treaty body working within the framework of the African Union to promote human and peoples’ rights and ensure their protection in Africa.

Rule 4: Composition
1. In conformity with article 31 of the African Charter, the Commission shall consist of eleven (11) members chosen from amongst African personalities of the highest reputation, known for their high morality, integrity, impartiality and competence in matters of human and peoples’
rights, particular consideration being given to persons having legal experience.
2. The members of the Commission shall serve in their personal capacity.

CHAPTER II: Membership

Rule 5: Term of office
1. Members of the Commission are elected for six years and shall be eligible for re-election.
2. If a member of the Commission is re-elected at the expiry of his or her term of office, or elected to replace a member whose term of office has expired or will expire, the term of office shall begin from that expiry date.
3. In conformity with article 39(3) of the African Charter, the member of the Commission elected to replace a member whose term has not expired, shall complete the term of his or her predecessor. However, if the remaining term of office is less than six months, there shall be no replacement.

Rule 6: Order of precedence
1. In the discharge of their duties, members of the Commission shall follow the Chairperson and the Vice-Chairperson according to their seniority in office. When there are two or more members of the Commission with equal seniority, precedence shall be given to the oldest.
2. A member of the Commission who is re-elected to a new term of office which is continuous with his/her previous term shall retain his/her precedence.

Rule 7: Incompatibility
1. The position of member of the Commission is incompatible with any activity that might interfere with the independence or impartiality of such a member or demands of the office such as a member of government, a Minister or under-secretary of State, a diplomatic representative, a director of a ministry, or one of his subordinates, or the
legal adviser to a foreign office or any other political binding function or participate in any activity of the nature that will compromise the independence and impartiality.

2. The Bureau of the Commission shall ensure that the requirements in Rule 7(1) above are enforced in accordance with articles 31(1 & 2) and 39(2) of the African Charter.

3. In the case of incompatibility, the Chairperson of the Commission shall inform the Chairperson of the African Union Commission, who shall declare the seat vacant.

**Rule 8: Cessation of function**
1. If in the unanimous opinion of the other members of the Commission, a member has stopped discharging his or her duty for any reason other than temporary absence, the Chairperson of the Commission shall inform the Chairperson of the African Union Commission, who shall declare the seat vacant.
2. A member of the Commission may resign from his or her position at any time. He or she shall do so through a written notification addressed to the Chairperson of the Commission who shall transmit it to the Chairperson of the African Union Commission.
3. The resignation shall take effect three months from the date of submission of the letter of resignation.
4. The Chairperson of the African Union Commission shall upon receipt of the notification, declare the seat vacant. The vacancy shall be effective from the date the resignation takes effect.
5. In the case of death of a member of the Commission, the Chairperson shall immediately inform the Chairperson of the African Union Commission who shall declare the seat vacant from the date of the death.
6. Every seat declared vacant in conformity with the present Rule shall be filled in accordance with paragraph 3 of article 39 of the African Charter.

**Rule 9: Solemn declaration**
In conformity with article 38 of the African Charter, before assuming office, every member of the Commission shall make the following solemn
declaration at a public sitting of the Commission: ‘I solemnly undertake to carry out my duties well and faithfully in all impartiality.’

CHAPTER III: Bureau of the Commission

Rule 10: Composition of the Bureau
The Bureau of the Commission shall be composed of a Chairperson and a Vice-Chairperson who shall perform the functions set forth in the African Charter and in these Rules of Procedure.

Rule 11: Election of the Bureau
1. The Commission shall elect from among its members a Chairperson and a Vice-Chairperson.
2. Election shall be held by secret ballot. Only members present shall vote. A member who obtains a simple majority of the votes of the members of the Commission present and voting shall be elected.

Rule 12: Duration of the term of the members of the Bureau
The members of the Bureau of the Commission shall be elected for a period of two years. They shall be eligible for re-election only once. None of them may, however, exercise his or her functions if he or she ceases to be a member of the Commission.

Rule 13: Powers and functions of the Bureau
1. The Bureau shall coordinate the promotion and protection activities of the members of the Commission.
2. The Bureau shall supervise the work of the Secretary, including the preparation and approval of the work-plan of the Commission.
3. The Bureau shall annually assess the performance of the Secretary. It shall submit its assessment to the Commission for its consideration and decision.

Rule 14: Powers and functions of the Chairperson
1. The Chairperson shall carry out the functions assigned to him or her by the Charter, the Rules of Procedure and the decisions of the
Commission and the Assembly. In the exercise of his or her functions the Chairperson shall be under the authority of the Commission.

2. The Chairperson shall:
   (a) Represent and direct the work of the Commission;
   (b) Preside over the meetings of the Commission;
   (c) Submit the assessment report referred to in Rule 13(3) to the competent organs of the African Union Commission;
   (d) Supervise the preparation of the budget by the Secretariat and its adoption by the Commission;
   (e) Present and defend the budget before the relevant African Union bodies;
   (f) Present a report to the Assembly and to the Commission on the activities carried out during the intersession;
   (g) Perform any other functions that may be conferred upon him or her in the Rules of Procedure or other tasks entrusted to him or her by the Commission or the Assembly; and
   (h) Delegate, when necessary, to the Vice-Chairperson or, if the Vice-Chairperson is not available, to another Commissioner, the abovementioned powers.

Rule 15: Powers and functions of the Vice-Chairperson
1. If the Chairperson is temporarily unable to perform his or her duties, the Vice-Chairperson, shall perform the duties of the Chairperson.
2. The Vice-Chairperson, acting in the capacity of the Chairperson, has the same powers and functions as the Chairperson.
3. The Vice-Chairperson shall perform any other function delegated to him or her by the Commission or the Chairperson of the Commission.
4. If both the Chairperson and the Vice-Chairperson are unable to carry out their duties at the same time, the duties of Chairperson shall be carried out by another Commissioner according to the order of precedence laid down in Rule 6.

Rule 16: Resignation, vacancy and replacement
If a member of the Bureau of the Commission resigns from his or her position or ceases to be a member of the Commission, the remaining
member shall represent the Bureau until the next session, when the Commission shall fill the position for the remainder of the term of office.

CHAPTER IV: Secretariat to the Commission

Rule 17: Composition, structure and status of the Secretariat
1. Without prejudice to article 41 of the African Charter, the Commission shall propose the organizational structure of the Secretariat and shall place it before the African Union for approval.
2. The Secretariat of the Commission is composed of the Secretary and the Commission’s professional, technical and administrative staff.
3. The Secretary shall be appointed by the Chairperson of the African Union Commission pursuant to article 41 of the African Charter after consultation with the Chairperson of the African Commission.
4. The Status of the Secretary and the staff is governed by the African Union Staff Rules and Regulations.

Rule 18: Functions of the Secretary to the Commission
The Secretary to the Commission is responsible for the activities of the Secretariat under the supervision of the Chairperson. The Secretary shall specifically:
(a) Assist the Chairperson, the Bureau of the Commission and other members of the Commission in the exercise of their functions;
(b) Supervise and co-ordinate the work of the staff of the Secretariat;
(c) Keep proper records of the Commission, which must be properly organized for easy reference;
(d) Ensure confidentiality of the Commission’s records where appropriate;
(e) Submit to the Chairperson and the members of the Commission all items that will be considered by the Commission;
(f) In consultation with the Chairperson, prepare:
(i) A draft agenda for each session;
(ii) The Commission’s strategic plan, annual work plan and annual budget;
(iii) Guidelines on missions for adoption by the Commission;
(g) Present a written report to the Commission at the beginning of each session on the activities of the Secretariat since the preceding session;
(h) Implement the decisions entrusted to him or her by the Commission or the Bureau;
(i) Make available to the general public documents which are not confidential, including States Reports, by ensuring that they are posted on the website of the Commission;
(j) Ensure the maintenance and regular updating of the website of the Commission;
(k) Assess the performance of the staff of the Commission.

Rule 19: Financial responsibility
The expenses of the Commission, emoluments and allowances for Commissioners and the budget of the Secretariat, shall be borne by the African Union, in accordance with criteria laid down by the African Union in consultation with the Commission.

Rule 20: Financial rules
The implementation of provisions of articles 41 and 44 of the Charter shall be governed by the African Union’s financial rules.

Rule 21: Estimate
When the Commission considers a proposal entailing expenses, the Secretary shall prepare and present to the members of the Commission, as soon as possible, a report outlining the financial implications of the proposal.

Rule 22: Confidentiality of the work of the Commission
The staff of the Secretariat must observe the principle of confidentiality in all matters that the Commission considers confidential as stipulated under the Charter and these Rules.
CHAPTER V: Subsidiary mechanisms

Rule 23: Special Rapporteurs, Committees and Working Groups
1. The Commission may create subsidiary mechanisms such as special rapporteurs, committees, and working groups.
2. The creation and membership of such subsidiary mechanisms may be determined by consensus, failing which, the decision shall be taken by voting.
3. The Commission shall determine the mandate and the terms of reference of each subsidiary mechanism. Each subsidiary mechanism shall present a report on its work to the Commission at each ordinary session of the Commission.

Rule 24: Applicable rules for subsidiary mechanisms
The Rules of Procedure of the Commission shall apply mutatis mutandis to the proceedings of its subsidiary mechanisms.

CHAPTER VI: Sessions

Rule 25: General principles
1. The Commission shall hold Ordinary and Extraordinary Sessions, to enable it to satisfactorily carry out its functions in conformity with the African Charter.
2. Sessions of the Commission shall be held in public unless the Commission decides otherwise or if it appears from the relevant provisions of the Charter that the meeting shall be held in private.

Rule 26: Ordinary sessions
1. The Commission shall hold at least two Ordinary Sessions per year each lasting for about two weeks, unless the Commission decides otherwise.
2. The Ordinary Sessions of the Commission shall be convened on a date fixed by the Commission upon the proposal of its Chairperson and in consultation with the Chairperson of the African Union Commission.
3. In exceptional circumstances, the Chairperson of the African Union Commission may change the opening date of a session, in consultation with the Chairperson of the Commission.

**Rule 27: Extraordinary sessions**

1. The Commission shall also hold Extraordinary Sessions.
2. The Chairperson of the Commission shall convene Extraordinary Sessions:
   (a) At the request of the majority of the members of the Commission; or
   (b) At the request of the Chairperson of the African Union Commission.
3. Extraordinary Sessions shall be convened on a date fixed by the Chairperson of the Commission, in consultation with the Chairperson of the African Union Commission and the other members of the Commission.

**Rule 28: Place of meetings**

1. The sessions of the Commission shall be held at its headquarters, or in the territory of any other State Party which invites the Commission.
2. In the event that a State Party invites the Commission to hold a session in its country, that State Party shall sign an agreement with the Commission to host the session of the Commission, which agreement shall vest the State Party with the responsibility for all additional expenses incurred by the Commission as a result of the session being held outside its headquarters, in conformity with the relevant rules of the African Union.
3. A State Party offering to host a session of the Commission shall not be under any suspension of the African Union. Any country wishing to host a session of the Commission should commit itself to respecting the provisions of article 62, and should comply with all the recommendations of the African Commission, where necessary.
4. The Commission may, in consultation with the Chairperson of the African Union Commission, hold a session at the headquarters of the African Union. The sharing of costs for such session shall be as agreed with the African Union Commission.
5. The Commission may hold joint sessions in consultation with the African Court on Human and Peoples’ Rights, the Committee of Experts

Rule 29: Notification of the opening date of the sessions
1. The Secretary shall inform members of the Commission of the date and venue of each session. This notice shall be sent, in the case of an Ordinary Session, at least sixty (60) days before the Session unless exceptional circumstances require otherwise.
2. In the case of an Extraordinary Session, the notice shall be sent as soon as possible before the beginning of the session.

Rule 30: Quorum
Seven members of the Commission shall constitute the quorum, as specified in article 42(3) of the Charter.

Rule 31: Private sessions
1. Private Sessions of the Commission shall be held in private and deliberations shall remain confidential.
2. During a Private Session, the Secretary to the Commission, members of the Secretariat and persons providing technical or secretarial assistance to the Commission shall be present unless the Commission decides otherwise.
3. The Commission shall ensure the confidentiality of all case files, including pleadings. This provision shall not be interpreted to prohibit the prompt sharing of pleadings with the parties to a Communication.
4. The Chairperson of the Commission may communicate to the public general information on deliberations in Private Sessions, subject to the exigencies of article 59 of the Charter and any special directions by the Commission.

CHAPTER VII: Agenda

Rule 32: Provisional agenda
1. The Provisional Agenda for each Ordinary Session shall be drawn up by the Secretary in consultation with the Bureau of the Commission and
in accordance with the provisions of the Charter and the present Rules of Procedure.

2. The Provisional Agenda shall include but not be limited to, items on ‘Communications from States’ and ‘Other Communications’ in conformity with the provisions of articles 48, 49, and 55 of the Charter.

3. Pursuant to paragraph 1 of this Rule, the Provisional Agenda may also include items proposed by:
   (a) The Commission at a previous Session;
   (b) The Chairperson of the Commission or a member of the Commission;
   (c) A State Party to the African Charter;
   (d) Any African Union organ;
   (e) An organisation recognized by the African Union, a national human rights institution with affiliate status or a non-governmental organisation with observer status;
   (f) A specialized institution of the United Nations of which the State Parties to the African Charter are members.

4. The items to be included in the provisional agenda under subparagraphs d, e and f of paragraph 3 above shall be communicated to the Secretary, accompanied by supporting documents, not later than sixty (60) days before the opening of the Session at which these items are to be discussed.

5. The decision to include an item on the provisional agenda is taken by the Bureau of the Commission. If the request is accepted, the Secretary shall include the item on the Provisional Agenda of the session and inform the requesting party of this decision within one month.

6. The Provisional Agenda of an Extraordinary Session of the Commission shall include only the items in the notification issued by the Chairperson.

Rule 33: Transmission and distribution of the provisional agenda

1. The Secretary shall distribute the Provisional Agenda and the relevant working documents to the members of the Commission at least sixty (60) days before the opening of an Ordinary Session.

2. The Secretary shall transmit the provisional agenda and the essential documents of the session to State Parties, the Chairperson of the African
Union Commission, affiliate institutions and observers at least forty-five (45) days before the opening of an Ordinary Session of the Commission.

3. The Secretary, in consultation with the members of the Commission in exceptional cases, may distribute the Provisional Agenda and essential documents relating to certain items on the Agenda thirty (30) days prior to the opening of an Ordinary Session.

4. The Secretary shall transmit by all appropriate means, including posting on the website of the Commission, the Provisional Agenda of the Session to State Parties, the Chairperson of the African Union Commission, affiliate institutions and observers at least fifteen (15) days before the opening of an Ordinary Session of the Commission.

**Rule 34: Adoption of the agenda**

1. At the beginning of each Session, the Commission shall adopt the agenda of the Session.

2. Proposals made under Rule 32(3) of the present Rules shall be included in the Agenda of the Session if a majority of the members present so decide.

**Rule 35: Revision of the agenda**

The Commission may, during the Session, revise its Agenda.

**CHAPTER VIII: Language**

**Rule 36: Working languages**

1. The Working Languages of the Commission and all its subsidiary mechanisms are those of the African Union.

2. The proceedings of the Commission shall be conducted in any of the Working Languages of the African Union.

3. Any person addressing the Commission in a language other than one of the Working Languages shall ensure the interpretation into one of the Working Languages of the Commission. The interpreters of the Commission shall take this interpretation as the source language for their interpretation in the other Working Languages of the Commission.
CHAPTER IX: Records and reports

Rule 37: Records and reports of sessions
1. The Secretary shall keep recordings of the proceedings of the sessions of the Commission and of the meetings of its subsidiary mechanisms.
2. The Secretary shall prepare a Report of the proceedings of each session of the Commission.
3. The Report referred to in paragraph 2 of the present rule shall be adopted by the Commission before publication, including posting on the website.

Rule 38: Publication and distribution of session reports
1. The Final Report of the Public Session shall be posted on the website unless the Commission decides otherwise.
2. The Final Report of the private sessions of the Commission shall be distributed to all members of the Commission.

CHAPTER X: Conduct of business

Rule 39: Additional powers of the Chairperson
The Chairperson shall open and close each session, direct the discussions, ensure observance of the present Rules of Procedure, accord the right to speak, put questions to the vote and announce decisions.

Rule 40: Points of order
1. During a debate on any matter a member of the Commission may, at any time, raise a point of order and the Chairperson of the Commission, in accordance with the Rules of Procedure, shall immediately rule on the point of order. If a member of the Commission contests the ruling, it shall immediately be put to a vote. If the majority of the members of the Commission present uphold the Chairperson’s ruling, it shall be maintained.
2. A member of the Commission raising a point of order cannot, in his or her comments, deal with the substance of the matter under discussion.
Rule 41: Adjournment of debates
During the discussion on any matter, a member of the Commission may move for the adjournment of the debate. In addition to the proposer of the motion, one member of the Commission may speak in favour of and one against the motion after which the motion shall be immediately put to a vote.

Rule 42: Time limit accorded to speakers
The Chairperson of the Commission may limit the time accorded to each speaker on any matter. When a speaker exceeds his or her allotted time, the Chairperson of the Commission shall call him or her to order.

Rule 43: Closing the list of speakers
1. The Chairperson of the Commission may, before the beginning of a debate, read out the list of speakers and with the consent of the Commission, declare the list closed.
2. The Chairperson of the Commission may, however, accord the right of reply to any speaker if a speech delivered after the list has been closed makes this desirable.

Rule 44: Closure of debate
1. A member of the Commission may, at any time during a debate, move for the closure of the debate on the item under discussion, even if the other members of the Commission or representatives have expressed the desire to take the floor. The authorization to take the floor on the closure of the debate shall be given only to two speakers for and against the closure, after which the motion shall immediately be put to a vote.
2. When the debate on an item is concluded, the Chairperson of the Commission shall declare the debate closed.

Rule 45: Adjournment or closure of session
During the discussion on any matter, a member of the Commission may move for the adjournment or closure of the sessions. No discussion on any such motion shall be permitted and it shall be immediately put to a vote.
**Rule 46: Order of the motions**
The following motions shall have precedence in the following order over all the other proposals or motions before the Commission:
(a) Competence of the Commission;
(b) Point of order;
(c) Recusal of a Member of the Commission;
(d) Adjournment of the session;
(e) Adjournment of debate on the item under discussion;
(f) Closure of debate on the item under discussion.

**Rule 47: Submission of motion and amendment of substance**
Unless the Commission decides otherwise, the motions or amendments to motions on substantive matters made by members of the Commission shall be submitted in writing to the Secretary with supporting documents.

**Rule 48: Withdrawal and re-submission of a motion**
The sponsor of a motion may withdraw it before it is put to vote, provided that it has not been amended. Another member of the Commission may re-submit a motion thus withdrawn. When a member of the Commission moves for the re-submission of a motion, only one member of the Commission may speak in favour of and one against the motion, after which it shall immediately be put to a vote.

**Rule 49: Oral interventions**
1. No one may take the floor at a meeting of the Commission without the authorization of the Chairperson of the Commission. The Chairperson of the Commission shall grant the floor to speakers in the order in which it has been requested.
2. Oral intervention shall deal solely with the matter under discussion by the Commission and the Chairperson of the Commission shall call to order any speaker whose remarks are irrelevant.
3. The Chairperson of the Commission may limit the time accorded to speakers as well as the number of interventions in accordance with the present Rules of Procedure. The time limit for each speaker shall be determined by the Chairperson.
Rule 50: Right of reply
1. A right of reply may be granted by the Chairperson of the Commission to any member of the Commission or representative of a State Party who requests it.
2. A member of the Commission or representative of a State Party must, while exercising this right, respect the time limit fixed by the Chairperson for reply and take the floor preferably at the end of the sitting at which this right has been requested.
3. The right of reply shall be limited to one reply per party and all parties shall have the same length of time to reply.

CHAPTER XI: Voting

Rule 51: Right to vote
1. Decisions of the Commission may be taken by consensus, failing which the decision shall be taken by voting.
2. However, at the request of a member, any proposal or motion shall be put to a vote.
3. Each member of the Commission shall have one vote. In the case of a tie in votes, the Chairperson of the Commission shall have a casting vote.

Rule 52: Required majority
1. Except as otherwise provided by the African Charter or the present Rules of Procedure, decisions of the Commission shall be taken by a simple majority of the members present and voting.
2. For the purpose of the Rules of Procedure, the expression "members present and voting" shall mean members voting for or against. The members who shall abstain from voting shall be considered as non-voting members.

Rule 53: Method of voting
1. Subject to the provisions of Rule 56 of the present Rules, the Commission, unless it otherwise decides, shall vote by show of hands, but any member may request a roll-call vote, which shall be taken in alphabetical order.
2. In all the votes by roll-call each member shall reply "yes" or "no" or "abstention". The vote of each member participating in the ballot shall be recorded in the minutes.
3. The Commission may decide to hold a secret ballot.

**Rule 54: Explanation of vote**
Members may make brief statements only for the purpose of explaining their vote, before the beginning of the vote or once the vote has been taken.

**Rule 55: Rules to be observed while voting**
A vote shall not be interrupted except if a member raises a point of order related to the manner in which the voting is being done.

**Rule 56: Elections**
Elections shall be held by secret ballot unless the election is for a post for which only one candidate has been proposed and that candidate has been agreed upon by the members of the Commission.

**CHAPTER XII: Motions and proposals**

**Rule 57: Division of proposals**
Proposals in a motion may be separated if a member so requests. The parts of proposals or amendments that have been adopted shall later be put to a vote as a whole. If all the operative parts of a motion have been rejected, the motion shall be considered to have been rejected as a whole.

**Rule 58: Order of voting on proposals**
1. If two or more proposals are made on the same matter, the Commission, unless it decides otherwise, shall vote on these proposals in the order in which they were submitted.
2. After each vote, the Commission may decide whether it shall put the next proposal to a vote.
3. However, motions which are not on the substance of a proposal shall be voted upon before the said proposals.
CHAPTER XIII: Reports of the Commission

Rule 59: Activity reports
1. The Commission shall submit an Activity Report of its promotion, protection and other activities to each Ordinary Session of the Assembly.
2. The content of the Activity Report of the Commission to be presented to the Assembly by its Chairperson or his/her representative shall be determined by the Commission.
3. Once the Activity Report is considered by the Assembly, the Secretary shall publish it, including posting on the website, and shall transmit it to State Parties, African Union organs, National Human Rights Institutions and Civil Society Organizations.

Rule 60: Mission reports
1. Upon completion of a Mission, the Secretary shall, within thirty (30) days, draft the mission report in conformity with the Commission’s Guidelines on Mission Reports.
2. The Secretary shall send the draft Mission Report to all the members of the Commission’s delegation who shall submit their comments within thirty (30) days.
3. In the case of a mission for promotion activities, the Secretary shall, after the mission report has been commented upon by the members of the delegation referred to in paragraph 2 of the present Rules, submit the Report incorporating the observations of the members to the Commission for consideration and adoption at its next session.
4. The adopted mission report shall be sent to the State Party concerned for its comments, to be given within sixty (60) days from the day of receipt of the Report. After sixty days, the Report shall be published with the comments of the State Party, if any.
5. In the case of a mission for protection activities, the Mission Report shall be sent to the members of the delegation referred to in paragraph 2 of this Rules, as well as to other concerned parties, including any party to a Communication that was a subject of the Mission. The Commission shall consider the comments of these parties when finalizing the Report, especially with regard to any proposal for amicable settlement.
6. The Report of any protection mission as well as the comments from the State Party concerned and other concerned parties, where applicable, shall be annexed to the Activity Report of the Commission.

**Rule 61:** Distribution of reports and other official documents

1. Reports, decisions, session documents and all other official documents of the Commission and its subsidiary mechanisms shall be documents for general distribution unless the Commission decides otherwise. Upon their adoption by the Commission, reports shall be published in accordance with article 59(2) of the Charter.
2. Reports and additional information submitted by States Parties under article 62 of the African Charter shall be documents for general distribution in the Working Languages of the African Union and shall be posted on the Commission’s website as soon as they are received at the Secretariat of the Commission;
3. The Secretary shall ensure the publication of the Commission’s Activity Report and post it on the website of the Commission after consideration by the Assembly.

**CHAPTER XIV: Relationships with state parties, intergovernmental institutions, national human rights institutions, non-governmental organisations, and other partners**

**Rule 62:** General Principle

The Commission may invite any State Party, institution, organisation or person capable of enlightening it to participate in its sessions without voting rights.

**Rules 63:** Discussions on human rights situations

1. In conformity with Rule 32(3) of the present Rules of Procedure, any State Party, African Union organ, specialized agency or body of the United Nations or other organisation recognized by the African Union, national human rights institution with affiliate status, or non-governmental organisation with observer status, may request that the African Commission include in its agenda for an Ordinary Session a
discussion on any human rights issue. Such a request shall be made sixty (60) days in advance of the session at which the discussion is to take place.

2. Where the discussion requires the presence of other partners and parties, the requesting party shall so indicate in the documents that it presents to the Commission pursuant to Rule 34(2) of the present Rules. If the Bureau of the Commission decides that the participation of additional partners and parties is necessary, it shall invite them to attend and transmit to them all relevant documentation and information on the proposed discussion from the requesting party.

**Rule 64: Participation of states parties**

1. The Commission or its subsidiary mechanisms may invite any State Party to participate in the discussion of any issue that shall be of particular interest to that State.

2. A State thus invited shall have no voting right, but may submit proposals which may be put to a vote at the request of any member of the Commission or of the subsidiary mechanism concerned.

**Rule 65: Participation of specialized agencies, intergovernmental organisations and United Nations bodies**

1. Specialized agencies, intergovernmental organisations and United Nations bodies may take part in the Public Sessions of the Commission.

2. The Commission may permit representatives of these bodies to make oral or submit written statements during its session.

3. Pursuant to articles 45(1) and 46 of the African Charter, the Commission may invite these bodies to submit reports on the implementation of the African Charter in areas of common concern.

4. The Commission may take part in the activities of specialized agencies, intergovernmental organisations and United Nations bodies and agree through a Memorandum of Understanding on areas of common concern.

**Rule 66: Donors**

1. Subject to article 41 of the Charter, the Commission may negotiate financial agreements with donors. These financial agreements shall be
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signed by the Secretary after approval by the Bureau. Original copies of such agreements shall be kept at the Secretariat of the Commission.

2. The Commission shall inform the African Union Commission of any proposal to accept funds from any donor including details of the amount of money to be provided, the project or projects for which the funds are sought and any condition of receipt of such funding.

3. Such agreements shall specify expected outcomes, monitoring and evaluation of the project funded by the donor.

4. The Secretary shall prepare and submit reports on the implementation of the agreement to the Commission at each Ordinary Session.

5. Donors may be invited to attend sessions of the Commission.

Rule 67: National Human Rights Institutions

1. National Human Rights Institutions established by States Parties and functioning according to internationally and regionally recognized norms and standards may be granted affiliate status with the Commission.

2. National Human Rights Institutions having affiliate status with the Commission shall enjoy the rights and perform the duties stipulated in the Resolution on the Granting of Affiliate Status to National Human Rights Institutions in Africa.

3. The African Commission shall grant affiliate status to only one National Human Rights Institution in each State Party.

4. The African Commission may invite other National Human Rights Institutions that do not meet the criteria provided in paragraphs 1 and 2 of the present Rules to attend its sessions as observers.

Rule 68: Non-governmental organisations

1. Non-governmental organisations working in the field of human rights in Africa may be granted observer status with the Commission.

2. Non-governmental organisations having observer status with the Commission shall enjoy the rights and perform the duties stipulated in the Resolution on the Granting of Observer Status.

3. Non-Governmental organisations with observer status with the Commission shall fulfil their obligations stipulated under the Resolution referred to in paragraph 2 of the present Rules.
PART 2: PROMOTION ACTIVITIES
CHAPTER I: General provisions

Rule 69: Program of promotion activities
The Commission shall adopt and carry out a program of promotion activities to give effect to its mandate under the African Charter, in accordance with article 45(1).

Rule 70: Promotion missions
1. The Commission shall carry out promotion missions, to States Parties.
2. Promotion missions shall be governed by the Commission’s Guidelines for Missions as well as the Format for Pre-mission Reports.
3. For each promotion mission, the Commission shall develop terms of reference bearing in mind the human rights situation in the country.

Rule 71: Other promotion activities
1. The Commission shall undertake promotion activities other than promotion missions, including seminars, conferences, symposia etc.
2. These activities shall be undertaken either on its own or in collaboration with partners.
3. Where the Commission receives an invitation to participate in any promotion activity, the Secretary shall inform the Bureau immediately, and the latter shall decide on the course of action.

Rule 72: Activity reports of Commissioners
At each Ordinary Session, each member of the Commission shall submit a written report of his or her promotion activities undertaken during the inter-session.

CHAPTER II: The state reporting procedure under article 62 of the Charter

Rule 73: Contents of State Reports
1. Pursuant to article 62 of the African Charter and other relevant legal instruments which supplement them, including the Protocol to the African Charter on the Rights of Women in Africa in its article 26, States
Parties shall submit reports in accordance with the guidelines of the Commission, on the measures they have taken to give effect to the provisions of the African Charter and on the progress they have made. Reports shall indicate the challenges, if any, affecting the implementation of the African Charter and its relevant protocols.

2. The Secretary to the Commission shall send to States Parties the Guidelines on State Reports.

**Rule 74: Transmission of state reports**

1. Upon receipt of a State Report, the Secretary shall upload the Report on the Commission’s website and indicate when the Report will be examined by the Commission.

2. Institutions, organizations or any interested party wishing to contribute to the examination of the Report and the human rights situation in the country concerned, shall send their contributions, including shadow reports, to the Secretary at least 60 days prior to the examination of the Report.

3. The Secretary may also invite specific institutions to submit information relating to the state report within a time limit that he/she may specify.

**Rule 75: Consideration of reports**

1. The Chairperson of the Commission shall, through the Secretary inform States Parties of the opening date and venue of the Session at which their respective reports shall be considered.

2. States Parties shall be represented in the sessions of the Commission at which their reports are to be considered.

3. Representatives of States Parties shall respond to the questions prepared by the Commission, and questions of the members of the Commission and provide when necessary, any other information requested during or after the session.

4. If a State Party fails to send a representative to the session of the Commission at which its report is to be examined, consideration of the report shall be rescheduled for the next session. If, at the said session, the concerned State Party, after due notification, fails to send a representative, the Commission shall consider the State Report.
5. During the consideration of the state report submitted by a State Party in accordance with article 62 of the Charter, the Commission shall explore all the pertinent information relating to the human rights situation in the State concerned, including statements and shadow reports from National Human Rights Institutions and NGOs.

**Rule 76: Non-submission of reports**
1. The Commission shall, at the beginning of each year, inform the States Parties which are not up to date with their obligations under article 62 of the deadlines of their submission of their reports and the date at which they are expected to comply.
2. At the beginning of each Ordinary Session, the Secretary shall inform the Commission of all cases of non-submission of reports or of additional information requested by the Commission. In such cases, the Chairperson of the Commission may send a reminder, through the Secretary, to the State Party concerned;

**Rule 77: Concluding Observations**
2. The Concluding Observations of the Commission shall comply with the Guidelines of the Commission on Concluding Observations.
3. The Concluding Observations shall be transmitted to the State Party concerned within thirty (30) days after the session at which the Observations were adopted. They shall form part of the Commission’s activity report and be posted on the website of the Commission after the adoption of the Activity Report.

**Rule 78: Follow-up of implementation of Concluding Observations of state reports**
1. In the Concluding Observations, the Commission shall specify, if necessary, the issues that require urgent attention on the part of the State Party. The date of the presentation of the next Periodic Report by the State Party shall be included in the Concluding Observations.
2. The Members of the Commission shall ensure the follow-up on the implementation of the recommendations from the Concluding Observations within the framework of their promotion activities to the States Parties concerned.
3. The Commission shall also transmit to the Assembly the observations mentioned in Rule 77(1), with copies of the reports it has received from the States Parties as well as the comments supplied by the latter, if any.

PART 3: PROTECTION ACTIVITIES
CHAPTER I: Matters of emergency

Rule 79: Decision on matters of emergency
1. The Commission shall treat a situation as a matter of emergency under article 58(3) of the African Charter, when:
   (a) It is one of serious or massive human rights violations;
   (b) It presents the danger of irreparable harm or requires urgent action to avoid irreparable damage;
2. When a situation of emergency arises during a session of the Commission, the decision to treat it as such shall be taken by the Commission.
3. When a situation arises during the Commission’s inter-session period, the decision to treat it as a matter of emergency shall be taken by the Bureau of the Commission, which shall keep other members of the Commission informed and present a report on the situation at the next session of the Commission.

Rule 80: Action on matters of emergency
1. When the Commission has decided to treat a situation as one of emergency, it shall:
   (a) Draw the attention of the Chairperson of the Assembly of Heads of State and Government of the African Union to the matter in accordance with article 58(3) of the Charter;
   (b) Draw the attention of the Peace and Security Council to the matter in accordance with article 19 of the Protocol on Peace and Security Council;
   (c) Inform the Executive Council;
(d) Inform the Chairperson of the African Union Commission of the matter.
2. The Commission as well as its subsidiary mechanisms under the Charter and present Rules, shall also take any appropriate action, including Urgent Appeals.

CHAPTER II: Protection missions

Rule 81: General provisions
1. If it deems it necessary and advisable, the Commission may carry out a protection mission to a State Party.
2. States Parties shall provide the Commission with an open invitation for protection missions and respond promptly to any request by the Commission for authorisation to undertake a protection mission.
3. Any protection mission agreed upon between the Commission and a State Party shall be conducted in accordance with the Commission’s Guidelines for Missions.
4. The expenses incurred by a mission undertaken at the request of any AU organ shall be borne by such organ.

Rule 82: State Party’s obligations
During a protection mission of the Commission the State Party concerned shall:
(a) Commit itself not to take any kind of reprisal against any persons or entities who provide the mission with information, testimony or evidence;
(b) Guarantee the free movement of the members of the mission throughout the territory of the country, in this regard, provide corresponding facilities, including any necessary internal authorisation;
(c) Provide the mission of the Commission with any document that the latter may consider necessary for the preparation of its reports;
(d) Take necessary security measures to protect members of the delegation and also to guarantee the smooth running of the mission.
CHAPTER III: Consideration of communications

SECTION 1: General Provisions

Rule 83: Records of communications under articles 47, 48, 49 and 55 of the Charter
1. The Commission shall receive or note as the case may be, Communications or notifications under articles 47, 48, 49 and 55 of the Charter.
2. The Secretary shall maintain a record of each Communication, with a reference number, the names of the parties, the date of registration or notification, and the date of decision or closure of each Communication.

Rule 84: Situation of serious or massive violation of human rights
1. When the Commission considers that one or more Communications relate to a series of serious or massive human rights violations, it shall bring the matter to the attention of the Assembly of Heads of State and Government of the African Union and the Peace and Security Council of the African Union.
2. The Commission may also, in conformity with article 5 of the African Court Protocol and Rule 118(3) of the present Rules of Procedure, refer the matter to the African Court.

Rule 85: Other interventions
The Commission may decide to solicit or accept interventions by parties other than the Complainant and the Respondent State that it considers could provide it with information relevant to making a decision on a Communication.

SECTION 2: Consideration of communications received in conformity with article 47 of the Charter: Communications-negotiations of states parties

Rule 86: Submission of a communication
1. A Communication under article 47 of the Charter shall be submitted to the Chairperson, through the Secretary of the Commission.
2. The Communication referred to above shall be in writing and shall contain a comprehensive statement of the facts as well as the provisions of the African Charter alleged to have been violated.
3. Notification of the Communication to the State Party concerned, the Chairperson of the African Union Commission and the Chairperson of the Commission shall be done through the most practical and reliable means.
4. The Secretary to the Commission shall, on behalf of the Chairperson, acknowledge receipt, by Note Verbale, receipt of the Communication and request the parties to keep the Commission informed of developments which could arise within the framework of ongoing negotiations.

SECTION 3: Consideration of communications received under articles 48 & 49 of the Charter: Communications-complaints of states parties

Rule 87: Seizure of the Commission
1. Any Communication under articles 48 and 49 of the Charter may be submitted to the Chairperson of the Commission through the Secretary by an interested State Party.
2. The Communication shall contain information on the following or be accompanied particularly by:
   (a) Measures taken to resolve the issue pursuant to article 47 of the African Charter including the text of the initial communication and any subsequent written explanation from the interested States Parties relating to the issue;
   (b) Measures taken to exhaust regional or international procedures of settlement or good offices;
   (c) Any other procedure of international investigation or international settlement to which the interested States Parties have resorted.

Rule 88: Consideration of the communication
1. Where, pursuant to articles 48 and 49 of the African Charter, a Communication is brought before the Commission by a State Party, the Chairperson of the Commission, through the Secretary, shall give notice of such Communication to the State Party against which the complaint is
made and shall invite it to submit to the Commission its observations in writing on the admissibility of the Communication within ninety (90) days. The observations so obtained in writing shall be immediately communicated to the complaining State Party, which shall respond within ninety (90) days of receipt of the observations.

2. The Commission shall designate one or more of its members as Rapporteur for the Communication.

3. Rapporteurs, through the Secretary, may:
   (a) Request relevant information on matters connected with the Communication from the States Parties concerned. Such information shall be provided by both parties within ninety (90) days of receipt of such request;
   (b) Transmit any information obtained from one party to the other for comments. The parties shall be given ninety (90) days to respond to the observations made by the other party.

4. Prior to the session at which the Communication is to be considered, the Rapporteurs shall prepare a report on the admissibility of the Communication. Such report shall contain:
   (a) The relevant facts, including any information or comments obtained under paragraph 3 of this Rule;
   (b) The provision(s) of the African Charter alleged to have been violated in the Communication;
   (c) A recommendation on admissibility and on any other action to be taken, as the case may require.

5. Before deciding upon the admissibility of the Communication, the Commission may invite the parties to submit further observations in writing and shall fix a time limit of ninety (90) days for the submission of these observations. The written observations or information shall be transmitted to the opposing party.

6. The Commission may also allow the parties to make additional observations orally.

**Rule 89: Decision on admissibility**

1. The Commission shall consider the report of the Rapporteurs, decide on the admissibility of the Communication, and shall inform the parties accordingly.
2. The Commission shall give reasons for its decision on admissibility.

**Rule 90: Amicable settlement**

1. When the Commission declares that a Communication is admissible, it shall place its good offices at the disposal of the interested States Parties with the objective of reaching an amicable settlement under the terms of the African Charter.

2. For the purpose of the Commission’s good offices, the Bureau of the Commission shall establish contact with the relevant authorities of the States Parties.

3. The Bureau shall report its findings and recommendations to the Commission at the Commission’s next session.

4. The Commission shall thereafter decide on the appropriate action to take, which may include the following:

   (a) Appointing a Rapporteur;
   
   (b) Convening, in consultation with the States Parties concerned, meetings with the aim of achieving an amicable settlement of the dispute;
   
   (c) Facilitating the drafting of a Memorandum of Understanding, when the parties accept the principle of an amicable settlement, containing the terms of settlement being proposed having regard to the progress made.

5. In the case of acceptance of the draft Memorandum of Understanding, the States Parties concerned shall sign the agreement under the auspices of the Commission.

6. The Rapporteur shall then prepare a draft report, which shall be submitted to the Commission for adoption at its next session.

7. When adopted, the report shall be sent to the States Parties concerned and communicated to the Assembly.

8. The Commission, through the Rapporteur shall then follow-up on monitoring the implementation of the terms of the agreement and report on the said implementation to each subsequent Ordinary Session of the Commission until the settlement is concluded. Such a report shall form part of the Activity Report of the Commission to the Assembly.
Rule 91: Failure to settle the dispute amicably
1. If the amicable settlement of the dispute fails, the Commission shall request the States Parties concerned to provide, within a period of thirty (30) days, their written submissions.
2. The Commission shall communicate any information obtained from one party to the other for comments. The States Parties concerned shall be given thirty (30) days to respond.
3. The Rapporteur shall prepare a report containing the facts, findings and recommendations for consideration by the Commission.
4. Before adopting the report of the Rapporteur, the Commission may convene a hearing at which it may allow the parties to make additional oral observations.

Rule 92: Decision of the Commission
1. Within twelve months of receipt of a Communication, the Commission shall adopt a decision, prepare a report and make recommendations, pursuant to article 53 of the African Charter following the notification referred to in article 48 of the African Charter and the present Rules of Procedure.
2. The report of the Commission on the Communication shall be communicated to the States Parties concerned through the Secretary.
3. The report of the Commission on the communication shall be submitted as part of the Commission’s Activity Report to the Assembly.

SECTION 4: Consideration of communications received in conformity with article 55 of the African Charter: Other communications

SUB-SECTION 1: General provisions

Rule 93: Seizure of the Commission
1. A Communication submitted under article 55 of the African Charter may be addressed to the Chairperson of the Commission through the Secretary by any natural or legal person.
2. The Secretary shall ensure that Communications addressed to the Commission contain the following information:
(a) The name, nationality and signature of the person or persons filing it; or in cases where the Complainant is a non-governmental entity, the name and signature of its legal representative(s);
(b) Whether the Complainant wishes that his or her identity be withheld from the State;
(c) The address for receiving correspondence from the Commission and, if available, a telephone number, facsimile number, and email address;
(d) An account of the act or situation complained of, specifying the place, date and nature of the alleged violations;
(e) The name of the victim, in a case where he or she is not the Complainant;
(f) Any public authority that has taken cognisance of the fact or situation alleged;
(g) The name of the State(s) alleged to be responsible for the violation of the African Charter, even if no specific reference is made to the article(s) alleged to have been violated;
(h) Compliance with the period prescribed in the African Charter for submission of the Communication;
(i) Any steps taken to exhaust domestic remedies, or if the applicant alleges the impossibility or unavailability of domestic remedies, the grounds in support of such allegation; and
(j) An indication that the complaint has not been submitted to another international settlement proceeding as provided in article 56(7) of the African Charter.
3. In cases where the victim has not asked for anonymity and is represented by an NGO or other agent, the victim shall be the Complainant of record and the fact of representation or agency shall be recognized.
4. Where a Communication does not contain some of the documents and information listed in paragraph 2 of the present Rule, the Secretary shall request the Complainant to furnish the same.
5. When the Secretary is satisfied that all necessary information has been furnished, it shall transmit the file to the Commission which shall make a decision on seizure on the Communication.
Rule 94: Representation
1. States Parties shall be represented before the Commission by their representatives.
2. Natural or legal persons may either appear in person or be represented by their appointed representative before the Commission.

Rule 95: Order of consideration of Communications
Unless otherwise decided, the Commission shall consider Communications in the order in which they have been received by the Secretary.

Rule 96: Joinder and disjoinder of Communications
1. If two or more Communications against the same State Party address similar facts, or reveal the same pattern of violation of rights, the Commission may join them and consider them together as a single Communication.
2. Notwithstanding paragraph 1 of the present Rule, the Commission may decide not to join the Communications if it is of the opinion that the joinder will not serve the interest of justice.
3. Where in accordance with paragraph 1 of the present Rule, the Commission decides to join two or more Communications, it may subsequently, where it deems appropriate, decide to disjoin the Communications.

Rule 97: Working Groups and Rapporteurs on Communications
1. The Commission shall appoint a Rapporteur for each Communication from among its members.
2. The Commission may also establish one or more working groups to consider questions of seizure, admissibility and the merits of any Communication(s) and to make recommendations to the Commission.
3. The Commission shall consider the recommendations of the Rapporteur(s) and/or the Working Group(s) and make a decision.

Rule 98: Provisional Measures
1. At any time after the receipt of a Communication and before a determination on the merits, the Commission may, on its initiative or at the request of a party to the Communication, request that the State
concerned adopt Provisional Measures to prevent irreparable harm to the victim or victims of the alleged violation as urgently as the situation demands.

2. If the Commission is not in session at the time that a request for Provisional Measures is received, the Chairperson, or in his or her absence, the Vice-Chairperson, shall take the decision on the Commission’s behalf and shall so inform members of the Commission;

3. After the request for Provisional Measures has been transmitted to the State Party, the Commission shall send a copy of the letter requesting Provisional Measures to the victim, the Assembly, the Peace and Security Council, and the African Union Commission.

4. The Commission shall request the State Party concerned to report back on the implementation of the Provisional Measures requested. Such information shall be submitted within fifteen (15) days of the receipt of the request for Provisional Measures;

5. The granting of such measures and their adoption by the State Party concerned shall not constitute a prejudgment on the merits of a Communication.

Rule 99: Procedure for hearings on Communications

1. At the initiative of the Commission or at the request of one of the parties, a hearing may be held on a Communication.

2. During hearings, the Commission shall permit oral presentations by the parties on new or additional facts or arguments or in answer to any questions that it may have concerning all issues relating to the Communication.

3. During a hearing on a Communication or at any stage prior to the conclusion of the matter, the following may be considered:
   (a) The verification of the facts;
   (b) Initiation of a friendly settlement;
   (c) Consideration on the merits; or
   (d) Any other matter pertinent to the Communication.

4. A party requesting a hearing, shall do so at least ninety (90) days before the beginning of the session in which the Communication is going to be considered.
5. The Rapporteur of the Communication, in consultation with the Bureau of the Commission, shall decide upon the request.
6. The Secretary shall inform both parties of the decision on the granting of a hearing within 15 days of the decision referred to under paragraph 5 of the present Rule.
7. If the request for a hearing is accepted, the notification of the hearing shall include the dates and venue of the session, and period of the session during which the hearing is likely to take place.
8. Hearings on Communications before the Commission shall be held in camera. Unless the Commission decides otherwise, no person shall be admitted, other than:
   (a) The parties to the Communication or the representatives duly mandated;
   (b) Any person being heard by the Commission as a witness or as an expert;
   (c) The persons referred to in Rule 33(2) or any person whom the Commission may decide to invite under article 46 of the African Charter.
9. When it considers it in the interest of the proper conduct of a hearing, the Commission may limit the number of parties’ representatives or advisers who may appear.
10. The parties shall inform the Commission at least ten days before the date of the opening of the hearing of the names and functions of the persons who will appear on their behalf at the hearing.
11. The Chairperson or his or her representative shall preside over the hearing, and shall verify the identity of any persons before he/she is heard.
12. Any member of the Commission may put questions to the parties or to the persons heard with the permission of the Chairperson.
13. Parties to the communication or their representatives may, with the permission of the Chairperson, put questions to any person heard.
14. The Secretary is responsible for the production of verbatim records of hearings before the Commission. Such records are internal working documents of the Commission. If a party to the communication so requests, the Commission shall provide a copy of such records unless, in the view of the Commission, doing so could create a danger to persons heard.
15. The State Party to the Communication shall make an undertaking not to victimise or to take any reprisals against the Complainant and/or any person representing them or their family members, or witnesses because of their statements before the Commission.

16. The Commission may receive *amicus curiae* brief on communication. During the hearing of a Communication in which amicus curiae brief has been filed, the Commission, where necessary shall permit the author of the brief or the representative to address the Commission.

**Rule 100: Witnesses and experts**

1. The Commission shall determine, at its own initiative, or at the request of one of the parties, when to call independent experts and witnesses of the parties to the Communication whom it considers necessary to hear in a given case. A request to call a witness by one of the parties shall not be rejected unless the Commission has good reasons to believe that such a request constitutes an abuse of process. The invitation to the hearing shall indicate:
   (a) The parties to the Communication;
   (b) A summary of the facts or issues in relation to which the Commission desires to hear the witness or expert.

2. Any such person may, if they do not have sufficient knowledge of the working languages of the Commission, be authorised by the Chairperson to speak in any other language to be interpreted in one of the Working Languages of the Commission.

3. After establishing the identity of the witnesses or experts the Chairperson of the Commission shall request them to take the following oath:
   (a) For witnesses ‘*I swear/affirm that I will speak the truth, the whole truth and nothing but the truth.*’
   (b) For the experts ‘*I swear/affirm that my statement will be in accordance with my knowledge, findings and sincere belief.*’

4. The State Party to the communication shall give an undertaking not to victimise or persecute the witnesses or experts, or carry out reprisals against them or their family members because of their statements or expert opinions given before the Commission.
Rule 101: Inability of a member of the Commission to take part in the examination of a Communication
1. A member of the Commission shall not be present and take part in the consideration of a Communication if he or she:
   (a) Is a national of the State Party concerned;
   (b) Has any personal interest in the case;
   (c) Is engaged in any political or administrative activity or any professional activity that is incompatible with his or her independence or impartiality;
   (d) Has participated in any capacity in any decision at the national level in relation to the Communication; or
   (e) Has expressed publicly opinions that might be interpreted as reflecting lack of impartiality with respect to the Communication.
2. Any question that may arise under paragraph 1 above shall be decided by the Commission without the participation of the member concerned.

Rule 102: Withdrawal of a Member
If, for any reason, a Member of the Commission considers that he or she should not take part or continue to take part in the consideration of a Communication, he or she shall inform the Chairperson of his or her decision to withdraw.

Rule 103: Preliminary objection
1. A party who intends to raise a preliminary objection at the stage of admissibility or before the Commission takes a decision on the merits of the Communication, shall do so not latter than thirty (30) days after receiving notification to submit on admissibility or on the merits. The Commission shall communicate the objection to the other party within fifteen (15) days.
2. A party who intends to respond to a preliminary objection raised by the other party shall submit a written response not later than thirty (30) days after the Secretary to the Commission has transmitted the objection to that party.
3. If no response to a preliminary objection is received within the stipulated period, the Commission shall proceed with the consideration of the preliminary objection on the basis of the available information.
4. When the Commission receives a preliminary objection, it shall first of all determine this objection before any other question relating to the Communication.

**Rule 104: Legal aid**

1. The Commission may, either at the request of the author of the communication or at its own initiative, facilitate access to free legal aid to the author in connection with the representation of the case;
2. Free legal aid shall only be facilitated where the Commission is convinced:
   (a) That it is essential for the proper discharge of the Commission’s duties, and to ensure equality of the parties before it; and
   (b) The author of the Communication has no sufficient means to meet all or part of the costs involved;
3. In case of urgency or when the Commission is not in session, its Chairperson may exercise the powers conferred on the Commission by this Rule. As soon as the Commission is in session, any action that has been taken under this paragraph shall be brought to its attention for confirmation.

**SUB-SECTION 2: Procedure on admissibility**

**Rule 105: Submissions of observations**

1. When the Commission has decided to be seized of a Communication pursuant to the present Rules, it shall promptly transmit a copy of the complaint to the Respondent State. It shall simultaneously inform the Complainant of the decision on seizure, and request the Complainant to present evidence and arguments on admissibility within two months.
2. Upon receipt of the Complainant’s observations on admissibility, the Secretary shall transmit a copy to the respondent state and request the latter to make a written submission, containing its arguments and evidence on admissibility, within two months of its receipt of the Commission’s request. The Secretariat shall, within a week of receipt of the state’s submission, provide the Complainant with a copy.
3. Upon receiving the observations of the Respondent State on Admissibility, the Complainant may comment on the observations within one month of receipt.
4. In conformity with Rule 88(6), the Commission, while determining Admissibility may ask the parties to present supplementary observations in an oral hearing.

**Rule 106: Admissibility of Communications**
The Communication shall comply with the requirements of Admissibility under article 56 of the Charter which are cumulative.

**Rule 107: Decision on Admissibility**
1. Once it has considered the positions of the parties, the Commission shall make a decision on the admissibility of the Communication and the Secretary shall inform the parties accordingly.
2. Once a Communication has been declared admissible, the Commission shall inform the parties and defer the Communication to the next session for consideration on the merits.
3. The Commission’s decisions on the inadmissibility of Communications shall be notified to the parties and attached to its Activity Report.
4. If the Commission has declared a Communication inadmissible this decision may be reviewed at a later date, upon the submission of new evidence, contained in a written request to the Commission by the author.

**SUB-SECTION 3: Procedure for the consideration of communications on the merits**

**Rule 108: Proceedings**
1. Once a Communication has been declared admissible, the Commission shall set a period of sixty (60) days for the Complainant to submit observations on the merits. These observations shall be transmitted to the State Party concerned for the submission of its observations within sixty (60) days;
2. Any written statements submitted by the State Party concerned shall be communicated, through the Secretary, to the Complainant, who may
submit any additional written information or observations within thirty (30) days. This time limit cannot be extended.

Rule 109: Amicable settlement
1. At any stage of the examination of a Communication, the Commission, on its own initiative or at the request of any of the parties concerned, may offer its good offices for an amicable settlement between the parties.
2. The amicable settlement procedure shall be initiated, and may only continue, with the consent of the parties.
3. If it deems it necessary, the Commission may entrust to one or more of its members the task of facilitating negotiations between the parties.
4. The Commission may terminate its intervention in the amicable settlement procedure at the request of one or both parties, within a period of six months, renewable once, when an amicable settlement is not reached.
5. When the Commission receives information from parties that an amicable settlement has been reached, the Commission shall ensure that such amicable settlement:
   (a) Complies with or respects the human rights and fundamental freedoms enshrined in the African Charter and other applicable instruments;
   (b) Indicates that the victim of the alleged human rights violation or, his/her successors, as the case may be, have consented to the terms of the settlement and are satisfied with the conditions;
   (c) Includes an undertaking by the parties to implement the terms of the settlement.
6. When the Commission is satisfied that the requirements of paragraph 5 have been complied with, it shall prepare a report which shall contain:
   (a) A brief statement of the facts;
   (b) An explanation of the settlement reached;
   (c) Recommendations by the Commission for steps to be taken by the parties to ensure the maintenance of the settlement;
   (d) Steps to be taken by the Commission to monitor the parties’ compliance with the terms of the settlement.
7. If the terms of the amicable settlement are not implemented within six months, or when the terms do not comply with the requirements under paragraph 5 of the present Rule the Commission shall at the request of the Complainant continue to process the Communication in accordance with the relevant provisions of the Charter and the relevant Rules in the present Rules.

**Rule 110: Decision on the merits**
1. The Commission, after deliberation on the submissions of both parties, shall adopt a decision on the merits of the Communication.
2. The Commission shall deliberate on Communications in private, and all aspects of the discussions shall be confidential.
3. The decision of the Commission shall be signed by the Chairperson and the Secretary, shall remain confidential and shall not be transmitted to the parties until its publication is authorized by the Assembly.
4. The decision of the Commission shall be posted on the Commission’s website after its publication is authorized by the Assembly.

**Rule 111: Review of the decision of the Commission on the merits**
1. Once the Commission has taken a decision on the merits, it may, on its own initiative or upon the written request of one of the parties, review the decision.
2. In determining whether to review its decision on the merits, the Commission shall satisfy itself of the following:
   (a) That the request is based upon the discovery of some fact of such a nature as to be a decisive factor, which fact was not known to the Commission and the party requesting the review, provided that such ignorance was not due to negligence;
   (b) That the application for review is made within six months of the discovery of the new fact;
   (c) Any other compelling reason or situation that the Commission may deem appropriate or relevant to justify review of a Communication, with a view to ensure fairness, justice and respect for human and peoples’ rights.
3. No application for review may be made after three years from the date of the decision.

**Rule 112: Follow-up on the recommendations of the Commission**

1. After the consideration of the Commission’s Activity Report by the Assembly, the Secretary shall notify the parties within thirty (30) days that they may disseminate the decision.
2. In the event of a decision against a State Party, the parties shall inform the Commission in writing, within one hundred and eighty (180) days of being informed of the decision in accordance with paragraph one, of all measures, if any, taken or being taken by the State Party to implement the decision of the Commission.
3. Within ninety (90) days of receipt of the State’s written response, the Commission may invite the State concerned to submit further information on the measures it has taken in response to its decision.
4. If no response is received from the State, the Commission may send a reminder to the State Party concerned to submit its information within ninety (90) days from the date of the reminder.
5. The Rapporteur for the Communication, or any other member of the Commission designated for this purpose, shall monitor the measures taken by the State Party to give effect to the Commission’s recommendations on each Communication.
6. The Rapporteur may make such contacts and take such action as may be appropriate to fulfill his/her assignment including recommendations for further action by the Commission as may be necessary.
7. At each Ordinary Session, the Rapporteur shall present the report during the Public Session on the implementation of the Commission’s recommendations.
8. The Commission shall draw the attention of the Sub-Committee of the Permanent Representatives Committee and the Executive Council on the Implementation of the Decisions of the African Union, to any situations of non-compliance with the Commission’s decisions.
9. The Commission shall include information on any follow-up activities in its Activity Report.
Rule 113: Extension of time
1. Subject to the provisions of Rule 111, when a deadline is fixed for a particular submission, either party may apply to the Commission for extension of the period stipulated.
2. The Commission may grant an extension which shall not exceed one (1) month, and shall not grant more than one extension per party for any given submission.

PART 4: RELATIONSHIP WITH THE AFRICAN COURT
CHAPTER I: General provisions

Rule 114: Complementarity with the African Court
1. Pursuant to article 2 of the Protocol, the Court shall complement the protective mandate of the Commission as provided for in articles 30 and 45 (2) of the African Charter.
2. The complementarity relationship between the Commission and the Court is set out and organized by articles 5, 6(1), 6(3), 8 and 33 of the Protocol.

Rule 115: Consultations with the Court
1. In pursuance of article 2 of the Protocol, the Commission shall meet with the Court at least once a year and whenever necessary to ensure good working relationship between the two institutions.
2. The Bureau of the Commission may meet the Bureau of the Court as often as necessary to undertake any functions assigned to them by the two institutions.
3. The conclusions of the meetings of the Bureaus shall be considered and if adopted by the Commission, shall be included in the Activity Report.
4. The Commission shall consult with the Court before the modification of any of its Rules relating to their relationship.

Rule 116: Interpretation of the Charter by the Commission
1. If the Commission is requested to interpret the Charter under article 45(3), it shall immediately inform the President of the Court.
2. A copy of the interpretation of the Charter by the Commission shall be sent to the President of the Court as soon as it is adopted.

**Rule 117: Advisory Opinion**
The Commission may request to be heard by the Court upon being notified by the Court of a request for an Advisory Opinion pursuant to article 4(1) of the Protocol.

**Rule 118: Seizure of the Court**
1. If the Commission has taken a decision with respect to a Communication submitted under articles 48, 49 or 55 of the Charter and the Commission considers that the State has not complied or is unwilling to comply with its recommendations in respect of the Communication within the period stated in Rule 112(2), the Commission may submit the Case to the Court pursuant to article 5(1)(a) of the Protocol and inform the parties accordingly.
2. If the Commission has made a request for Provisional Measures against a State Party in accordance with Rule 98, and considers that the State has not complied with the Provisional Measures requested, the Commission may pursuant to article 5(1)(a) of the Protocol, refer the Case to the Court and inform the Complainant and the State concerned.
3. The Commission may, pursuant to Rule 84(2) submit a case before the Court against a State Party if a situation that, in its view, constitutes one of serious or massive violations of human rights as provided for under article 58 of the African Charter, has come to its attention.
4. The Commission may seize the Court at any stage of the examination of a Communication if it deems necessary.

**Rule 119: Admissibility under article 6 of the Protocol**
1. Where, pursuant to article 6 of the Protocol, the Commission is requested to give its opinion, on the admissibility of a case pending before the Court or where the Court has transferred a case to the Commission, it shall consider the admissibility of this matter in accordance with article 56 of the Charter and Rules 105, 106 and 107 of the present Rules.
2. Upon conclusion of the examination of the admissibility of the case referred to it under article 6 of the Protocol, the Commission shall immediately transmit its opinion or its decision on the admissibility to the Court.

**Rule 120: Representation of the Commission before the Court**

When the Commission decides to submit a case to the Court, pursuant to article 5(1)(a) of the Protocol and Rule 118, it may appoint one or more Commissioners to represent it before the Court. The Commissioner(s) so designated shall be assisted by one or more Legal Officer(s) of the Commission’s Secretariat.

**Rule 121: Content of the application and file to the Court**

1. When, in pursuance of article 5(1) (a) of the Protocol and Rule 120 of the present Rules, the Commission decides to bring a case before the Court, it shall submit an application seizing the Court in accordance with the Court Rules, accompanied by a summary of the case and the case file.

2. The summary shall include the names of the representatives of the Commission, the facts of the case and all the relevant provisions of the African Charter which have been violated.

3. Where necessary, the summary shall include
   (a) The date on which the Commission adopted its decision, or adopted and sent the request for Provisional Measures;
   (b) The facts which reveal serious or massive violations;
   (c) The date on which the decision of the Commission was transmitted to the State Party concerned;
   (d) Information relating to the deadline stipulated under Rule 113 of the present rules; and
   (e) The parties to the proceedings before the Commission, if applicable.

4. The case file along with the summary to be transmitted to the Court shall contain all the evidence, documents or information concerning the Communication including documents relating to any attempts to secure a friendly settlement, and the Commission’s decision.
**Rule 122: Transmission of cases to the Court and notification of the parties**

1. The Secretary of the Commission shall transmit to the Court the application signed by the Chairperson, the certified copy of the case file and the summary referred to in Rule 121 of the present rules in conformity with the Rules of Procedure of the Court. At the request of the Court, the Commission shall transmit the original of the case file.
2. The Secretary shall also immediately notify the Parties who were before the Commission about the referral of the case to the Court and shall transmit copies of the case file and the summary thereof.

**Rule 123: Lis Pendens**

The Commission shall not consider any Communication relating to a case still pending before the Court, unless the case has been formally withdrawn.

**PART 5: RELATIONSHIP WITH OTHER AFRICAN UNION ORGANS, INSTITUTIONS, AND PROGRAMMES**

**Rule 124: General rule**

1. The Commission, in fulfilling its mandate, shall establish formal relations of cooperation, including meetings as necessary, with all African Union organs, and institutions and programmes that have a human rights element in their mandate.
2. The Bureau of the Commission may, in addition, meet with the bureaux of these organs, institutions and programmes as often as may be required to ensure their good working relationship.

**Rule 125: Relationship with the policy organs of the African Union**

1. When submitting its Activity Report in accordance with article 54 of the African Charter, the Commission may request the Assembly to take necessary measures to implement its decisions.
2. The Commission shall bring all its recommendations to the attention of the Sub-Committee on the Implementation of the Decisions of the African Union of the Permanent Representatives Committee.
Rule 126: Cooperation with the African Union Commission
1. Prior to the appointment of the Secretary or any staff member of the Commission’s Secretariat, the African Union Commission shall consult with the Bureau of the Commission.
2. After transmitting the report on the evaluation of the performance of the Secretary in accordance with Rule 13(3) and 14(2)(c) of the present Rule of Procedure, the Chairperson of the African Union Commission may invite the Bureau of the African Commission for discussion.

PART 6: FINAL PROVISIONS

Rule 127: Interpretation
In conformity with article 45(3) of the Charter, the Commission shall interpret the Charter.

Rule 128: Amendment of the Rules of Procedure
The present Rules of Procedure may be amended by the Commission.

Rule 129: Transitional provisions
Upon the entry into force of the Protocol on the Statute of the African Court of Justice and Human Rights, all references in the present Rules to provisions of the African Court Protocol or the African Court shall be deemed, where applicable, to refer to the relevant provisions of the Protocol on the Statute of the African Court of Justice and Human Rights or to the African Court of Justice and Human Rights, respectively.

Rule 130: Non-retroactivity
The present Rules of Procedure shall not have any retrospective effect.

Rule 131: Suspension
The Commission may suspend temporarily, the application of any Rule of the present Rules of Procedure, on condition that such a suspension shall not be incompatible with any applicable decision of the Commission or the Assembly or with any relevant provision of the Charter and that the proposal shall have been submitted 24 hours in advance.
Rule 132: Entry into force of the Rules of Procedure
The present Rules of Procedure shall enter into force three months after their adoption by a simple majority of members of the Commission present and voting at a session where the Rules are scheduled to be adopted.