



# The use of ICT in human rights promotion: A case study of the African Commission on Human and Peoples' Rights

Eliot Nsega, Uganda

## Abstract

Although the African Commission on Human and Peoples' Rights was created by the Organization of African Unity (OAU) in 1987, the procedures of the Commission is not well known to the majority. This paper examines the effect of information and communication technology (ICT) in promoting human rights on the African continent, with particular reference to the African Commission on Human and Peoples' Rights. The aim is to determine the scope of ICT usage vis-à-vis traditional approaches, especially in the digital age, and to suggest alternatives.

The paper seeks to render a critical analysis that will lead and co-ordinate a programme of promotional work across the region, including the integration of ICT strategies in its promotional work.

**Keywords:** ICT strategies; OAU; Organization of African Unity; African Charter

## Introduction

Africa is among the continents with a region-specific human rights monitoring body. The African Commission on Human and Peoples' Rights was created in 1987 by the Organization of African Unity. Though much progress has been made to promote human rights on the African continent, still more needs to be done to make this important human rights body well known and accessible; nearly 25 years later, the procedures of the Commission are still not well known to the majority.

This paper examines the effect of information and communication technology (ICT) in promoting human rights on the African continent, with particular reference to the African Commission on Human and Peoples' Rights. Its aim is to determine the scope of ICT usage vis-à-vis traditional approaches, especially in the digital age and to suggest alternatives. The paper seeks to render a critical analysis that will lead and co-ordinate a programme of promotional work across the region, including the integration of ICT strategies in its promotional work.

## The need for ICT

The world today continues on a path of remarkable technological change in the ICT domain. ICT is the lifeblood of organisations and essential for innovation and continuous learning, while at the same time essential for any organisation that is attempting to understand and manage its intellectual capital, often in a global context.

The term itself refers to technologies that provide an enabling environment for physical infrastructural and services development of applications for generation, transmission, processing, storing, and disseminating information in all forms, including voice, text, data, graphics, and video. ICT comprises electronic technologies for information processing and communication, as well as platforms that are built on such technologies. Recent developments have dramatically changed the way information is collected, stored, processed, disseminated, and used, thus making it the most powerful tool for modernisation and development.

ICT has been identified as one of the rapidly growing areas that have the potential to 'leap-frog' societies to benefit from the globalised economy. Information is a resource that activates various sectors of the economy, making it possible for producers and consumers to be linked to markets. Availability of information allows the public to participate meaningfully in governance, through engaging in public discussions and contributing to decision-making.

## Background

In Africa, the duty of human rights' promotion is vested in the African Commission on Human and Peoples' Rights, a body established in November 1987, by virtue of Article 30<sup>1</sup> of the African Charter on Human and Peoples' Rights (the African Charter), to monitor the implementation of the rights, freedoms, and duties as guaranteed by the Charter. The African Charter was adopted in June 1981 and entered into force on 21 October 1986. By adopting the Charter, Organization of African Unity (OAU) member states acknowledged the need for comprehensive, institutionalised machinery to give effect to the firm attachment to the promotion of respect for, and protection of internationally recognised norms of human rights (Bello, 1985).

The Commission is a regional human rights treaty body composed of 11 members drawn from among African personalities with the highest reputation and integrity (ACHPR, 1986). The African Charter is the youngest regional human rights instrument in the world. It is an organ of the African Union (AU), the successor to the OAU, which was founded in 1963 to provide a forum for independent African States emerging from the dismantled colonial empires. In its normative years, the OAU did not initially develop a strong human rights position as a major concern. Instead, its primary focus was on 'protection of the state, not the individual'. Under these circumstances therefore, the concerns of African governments, and indeed

the OAU, centred on issues relating to colonialism, apartheid, self-determination, and sovereign equality of states. At its inception, the African Commission was given a broad mandate of promoting and protecting human rights on the continent.<sup>2</sup> To date, all 53 member states, with the exception of Eritrea, have ratified the Charter.

## Mandate of the African Commission

The Commission derives its mandate from Article 45 of the African Charter which provides for the promotion and protection of human and peoples' rights, interpretation of the African Charter and undertaking any other task assigned to it by the Assembly of Heads of State and Government (ACHPR, 1986). Osterdahl (2002) cites this as the main task of the Commission.

In attempting to elaborate on this mandate, Article 45 (1) of the Charter goes further and mandates the Commission, *inter alia*,

'(a) to collect documents, undertake studies and researches on African problems in the field of human and peoples' rights, organise seminars, symposia and conferences, disseminate information, encourage national and local institutions concerned with human and peoples' rights, and should the case arise, give its views and 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 legislation; (c) cooperate with other African and international institutions concerned with the promotion and protection of human and peoples' rights...'

To execute its mandate, the Commission has initiated a number of measures, including in particular the allocation of African countries to members of the African Commission for them to undertake human rights promotion and sensitisation on a regular basis. These missions are usually undertaken during the inter-session periods and reports, including recommendations submit-

1 African Charter Article 30 reads: 'An African Commission on Human and Peoples' Rights, hereinafter to be called "the Commission", shall be established within the Organisation of African Unity to promote human and peoples' rights and ensure their protection in Africa.'

2 See Article 30 of the Charter which establishes the Commission, and Article 45 which defines its mandate.

ted to the African Commission during its ordinary sessions for consideration and adoption.

These promotional missions have given the Commission an opportunity to initiate dialogue with African states and other stakeholders involved with the promotion and protection of human rights in Africa.

### The system in practice

The word 'promotion' as used at the Commission refers to a series of activities which are undertaken with a view to gaining publicity in order to realize an objective. These include activities aimed at gathering and disseminating information through workshops, seminars, and symposia, and the formulation of principles to address human rights legal problems.

The Commission makes use of promotional activities in several forms, using a variety of tools, conferences, workshops, seminars, and lectures, which can be organised at all levels by the Commission on its own or along with partners, be they governments, governmental institutions, or civil society organisations. These tools can be tailored to target people of all walks of life.

### Bottlenecks in implementing the mandate

The weakness or strength of any institution revolves around its normative and procedural scope, its implementation machinery, and above all the practice of all the relevant actors. Like many inter-governmental institutions in Africa, the Commission has not yet amalgamated ICT into its mandate, and it is also handicapped materially as well as by a lack of adequate human resources to implement its mandate.

And given the widespread ignorance and illiteracy, the efforts of the Commission and of non-governmental organisations (NGOs) to create awareness have been largely insignificant. Whereas Article 28 requires states to educate their citizens on the rights and duties as enshrined in the Charter, very few states, if any, have done so (ACHPR, 1986).

The consequence of this situation is that the Commission is only known by a small segment of the population in Africa, let alone the outside world, a factor which has unfortunately made the Commission appear ineffective.

### A review of selected literature

Whereas the African Charter is a welcome human rights document, its application could be seen as problematic in some instances, as evidenced by Article 59,<sup>3</sup> leading some to view it as self-defeating (O'Shea, 2000). The ineffectiveness of the Commission has also been attributed to many other factors including, in particular, lack of political will, lack of independence, inadequate follow-up on decisions or recommendations, lack of a monitoring role.

Whereas O'Shea (2000) admits that the Commission is a useful tool for the promotion of human rights, he argues that unfortunately, the Commission has carved itself the image of an ineffective mechanism for human rights protection. He calls for the establishment of a human rights court to supplement the work of the Commission.

Amoah (1992) opines that one of the most serious constraints to the effectiveness of the Commission is the lack of awareness and publicity about its activities. He argues that without enhancing people's knowledge of their rights, there will be no meaningful improvement in the African human rights system.

### Improvements at the Commission

These constraints notwithstanding, it is only fair to say that there has been considerable improvement in the work of the Commission over the years. The Commission is, for example, attracting much interest not only from NGOs, but also from member states. It has appointed some of its members as special rapporteurs on specific issues. The Commission has also organised sev-

3 Article 59 reads: '...all measures taken within the provisions of the present Charter shall remain confidential until such a time as the Assembly of Heads of State and Government shall otherwise decide...'

eral workshops and conferences; and Observer Status is being granted to human rights NGOs.<sup>4</sup>

## Findings

The broad objective of this study was to determine the effectiveness of human rights promotion strategies used by the African Commission in fulfillment of its mandate, and to explore how ICT usage could have a positive impact.

A case study approach was used by employing a historical, analytical, and empirical approach to unravel the research question. Primary sources of information were gathered through deployment of questionnaire to respondents, where nine respondents participated; secondary sources of information were also utilised through a review of the available public documents on the subject in question.

A critical analysis of the promotional strategy employed by the Commission reveals some imperfections, yet history teaches that accurate and consistent human rights promotion is an essential element to human rights diplomacy, campaigning, advocacy, and research. It is also crucial to building and sustaining the legitimacy and reputation of organisations.

Respondents agreed that as the visibility of the Commission evolves, and given the international focus on human rights violations, there is need for a rethink of its ICT strategy, especially in the current digital age.

In today's era of globalisation, and due to its increasing popularity, ICT has made many advances that are changing human nature every day. Social networking, for example, has become a helpful marketing system for people to promote their systems and it is the least expensive way to promote business. Social networking can help a business gain contacts, clients, and increased public awareness. As it offers many possibilities and it is here

to stay, respondents suggested that it would be in the best interests of the Commission to embrace ICT with both hands, as the advantages far outweigh the initial risk and expense.

Witness the nature of public and online debate over the recent events in North Africa, where inroads made by new media and social networking options have given millions immediate access to the latest-breaking developments from an array of communication sources. This resulted in an unprecedented collapse of two regimes in North Africa within the space of four weeks. Suffice to note that ICT has changed our way of life, and social networking has become part of our daily routine. Facebook.com, the most popular social networking website, is the second most accessed website on the worldwide web. As of January 2011, Facebook.com had more than 500 million active users worldwide, and half of them log on to the website every day.

Other businesses and institutions have followed the trend. MySpace, for example, encourages smaller and medium-sized businesses to set up an online presence as a way to advertise and promote business activities. Individuals become 'friends' or 'fans' of the profile, and they will be updated on current events, specials, etc.

The United Nations system has also used social media to connect with more people. Like the *UN Chronicle*, the UNDP has an official Facebook account to inform people about its programmes and products. Many other UN offices also utilise social networking websites.

From the foregoing, it is evident that social media is one of the most effective tools for bringing people together, and catalysing positive change. As Makau Wa Mutua (1993) notes, the African Commission has failed to take advantage of these powers to aggressively promote rights consciousness.

Respondents agreed that by effectively embracing the use of ICT as a promotional strategy, the African Commission could overcome the vast distance between different countries on the African landscape and so be able to spearhead the promotion of human rights across geographical barriers with relative ease.

4 Resolution of the African Commission on Human and Peoples' Rights on the criteria for granting and enjoying Observer Status to Non-Governmental organizations working in the field of Human Rights, adopted at the 25th Ordinary Session held in Bujumbura, Burundi, from 26 April to 5 May 1999.

Yet others are of the opinion that the Commission is unknown to more than half the people it is supposed to be working for, and even those who do know about it, approach it with skepticism. Commenting on this situation, for example, Ellen Sirleaf (1991) had this to say:

*‘...the Commission is generally unknown and invisible, it is regarded with suspicion by those who do know it, as seen from the eyes of a casual observer, it is not performing...’*

Other writers have gone further to suggest other likely causes for the Commission’s perceived ineffectiveness, citing the lack of mandate to make final binding decisions (Rembe, 1991).

In order for Africans to reclaim their rights as embodied in the Charter, they must be aware of their rights and of how they can seek redress if those rights are violated. Respondents noted, however, that public awareness was wanting, and it was this factor, more than anything else, that was impacting negatively on the Commission’s ability to champion human rights on the continent.

Respondents also suggested that whereas the Commission does know about its work, the majority, however, do not. If the Commission is not promoted, respondents argued, people will not know what is being done there, and how they can be involved. Media and ICT deployment was cited as one sure way of promoting and giving a better image of the Commission’s activities.

Recent events in the Middle East and North Africa where ICTs were used to mobilise the masses into realising their rights is a case in point. Some governments, facing mass protests, often resort to blocking ICT outlets. Yet the right to seek, receive, and impart information and ideas through any media, regardless of frontiers is a cornerstone of the African Charter. Indeed Article 9<sup>5</sup> spells out these rights.

Respondents were in agreement that the Commission could apply ICT in fields as diverse as A2k, digital divide, health,

open access, etc. Citing Article 9, respondents agreed that the Commission needs to use the width and breadth of ICT technologies to propound on the right to have pluralism of the sources of information and that the media must be safeguarded and promoted.

Respondents gave the example of Wael Ghonim, a Google Executive, who set up his Facebook page and racked up nearly 400 000 followers, almost single-handedly, and is credited for starting the Egyptian ‘Youth’ revolution of 2011.

Respondents pointed out that the African Commission could copy best practices from other institutions with similar mandates. The Inter-American Commission on Human Rights, for example, which uses ICT to web-cast public hearings instantaneously to its audience in real time, was cited. This practice offers avails of immediate accessibility to information for the public, with the result that 15 000 computers are inter-connected, webcasting to millions of viewers. This in itself has had a multiplier effect, and the Inter-American Commission has about 800 followers on Twitter.

One other ICT best practice to emulate is the practice of Commissioners at the Inter-American Commission having web pages; documents are posted directly, thus eliminating the necessity to photocopy documents during Hearings (Sessions).

The Commission could further copy best ICT practices from the technological innovations developed by the Inter-American Commission, where it is envisaged that a paperless office will be achieved in the near future (IACHR, 2011).

## Conclusion and recommendations

From the foregoing, the paper concludes by arguing for an alternative promotion strategy that should embrace ICT as a driving force in order to give efficacy to the aspirations of human rights safeguards in Africa.

As it seems that most organisations are now present on social networking sites, including the United Nations, it is recommended that since

5 Article 9 reads: ‘...every individual has the right to express and disseminate his or her opinions within the law...’

the major business of the Commission is to promote human rights, it should take advantage of this to promote its activities online by Tweeting and Facebooking its work to the millions of 'fans' out there. Kiyoo Akasaka, United Nations Under-Secretary-General for Communications and Public Information remarked that:

'Facebook, YouTube, Flickr and Twitter have entered the lexicon of people from all walks of life' (UN, 2007). He went on to say that:

'At the UN, we are deeply conscious of the need to bridge the divide between those who do and do not always have the benefits of the latest technology, but also to participate in the dialogue that is taking place among those who are engaging via new modes of public discussion.'

The existing promotional activities of the Commission need to be catapulted by amalgamating ICT in implementation. ICT could help upload all the Commission's information materials online, and also achieve the digitisation of the Commission's documents. A seamless approach to disseminating information products about the Commission is needed.

Given the huge size of the African continent, (about 11 million miles<sup>2</sup>), and considering that Africa has very poor transport and communication facilities, it needs practical initiatives to bridge the digital divide, such as the encouragement of digital convergence which could lead to acceptance by the majority as it minimises cost and maximises deliverables. Digital convergence refers to an ICT facet where several functionalities are primed into one conglomerate, and where users get TV, Internet, and telephone in one device.

The Commission should develop a communications strategy that aims at strengthening its corporate identity and positioning its activities. Such a strategy should build and maintain creative and effective communication partnerships, particularly with the media; promote ICT usage; ensure responsiveness to the rapidly changing ICT technologies and environments; and advocate for media liberalisation and deregulation to ensure a more central, dynamic, and effective contribution of communication to the work of the Commission.

The Commission should develop and implement a robust web and social media strategy, with a focus on adaptations for mobile Internet, and use of other new media technologies, that will support the Commission's communication objectives.

The main strategic objective should be the development and establishment of an effective, relevant, and technologically appropriate online presence and the capabilities needed to feed and maintain that presence on a sustained basis.

There is need to map out the social media landscape in Africa through desk and online research and interact with providers as needed, in order to take advantage of the mass dissemination capabilities that already exist. Existing applications, such as Facebook and Twitter, should be joined to enhance the online presence of the Commission.

This paper concludes by arguing that for the millions of people to realise their rights, the Commission will need to employ alternative ICT strategies to reclaim its image among the wider public. In so doing, the Commission will need to appraise its services and carefully identify its key target audience by using an appropriate human rights promotion strategy that will lead and co-ordinate a programme of promotional work across the region. The chosen strategy should try to embrace all facets of society, including the integration of ICT strategies in its promotional work vis-à-vis their relationship with its programmes.

## References

1. ACHPR (1986) The African Charter. Article 31. Available at [http://www.achpr.org/english/\\_info/charter\\_en.html](http://www.achpr.org/english/_info/charter_en.html) [accessed 12 April 2011].
2. ACDHRS (1977) The preliminary draft of the African Human Rights Court. *African Human Rights Newsletter* 7(1) Jan-March. Serrekunda, the Gambia: Africa Centre for Democracy and Human Rights Studies.
3. Amoah P (1992) The African Charter on Human and Peoples' Rights – An effective Weapon for Human Rights? in *Journal of the African Society of International and Comparative Law*, , pp. 227
4. Bello EG (1985) *The African Charter on Human and Peoples' Rights: A legal analysis*. Vol.4, p. 27. The

- Hague: Recueil des Cours de l'Academie de Droit International.
5. IACHR (2011) Available at <http://www.cidh.oas.org/DefaultE.htm> <http://www.cidh.oas.org/DefaultE.htm> [accessed 12 April 2011].
  6. Mutua M (1993) The African Human Rights System: A critical evaluation. Available at <http://hdr.undp.org/en/reports/global/hdr2000/papers/MUTUA.pdf> [accessed 12 April 2011].
  7. O'Shea A (2000) A Human Rights Court in an African Context. *Commonwealth Law Bulletin* 26(2), pp. 1313–1325.
  8. Osterdahl Inger (2002); Implementing Human Rights in Africa: The African Commission on Human and Peoples' Rights. Uppsala: Lustus Forlag, pp. 223
  9. Rembe NS (1991) *The system of protection of human rights under the African Charter: Problems and prospects*. Lesotho: Institute of Southern African Study, National University of Lesotho, pp. 53
  10. Sirleaf E (1991) "African Human Rights NGOs and the African Commission"; in *Report on the Conference on the African Commission on Human and Peoples' Rights* Fund for Peace, pp. 27
  11. UN (2007) *World Youth Report*. Available at [http://www.un.org/esa/socdev/unyin/documents/wyr07\\_complete.pdf](http://www.un.org/esa/socdev/unyin/documents/wyr07_complete.pdf) [accessed 15 September 2010].