

The treaty: African Charter on Human and Peoples' Rights

The African Charter has a structure that is genuinely unlike the other two instruments. It is worth spending a moment on its architecture:

Chapter I (Articles 1–18) protects individual human rights: civil and political rights (Articles 3–13) alongside economic, social, and cultural rights (Articles 14–18), integrated without hierarchy. Key provisions include:

- Article 3 — *Equality before the law*
- Article 4 — *Right to life and integrity of person*
- Article 5 — *Right to dignity; prohibition of slavery, torture, cruel or degrading punishment*
- Article 6 — *Right to liberty and security*
- Article 7 — *Right to have one's cause heard — including a right to appeal*
- Article 9 — *Right to receive information and to express and disseminate opinions within the law (note the claw-back)*
- Article 14 — *Right to property — guaranteed subject to community need*
- Article 17 — *Right to education; right to freely take part in the cultural life of one's community*
- Article 18 — *Protection of the family as the natural unit; protection of women, children, the elderly, and the disabled*

Chapter I also contains, uniquely, a provision at Article 26 imposing an obligation on states to 'guarantee the independence of the Courts' and to '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 (Articles 19–24) protects collective rights of peoples:

- Article 19 — *Equality of all peoples*
- Article 20 — *Right of all peoples to existence and to self-determination*
- Article 21 — *Right of all peoples to freely dispose of their wealth and natural resources*
- Article 22 — *Right of all peoples to their economic, social, and cultural development*
- Article 23 — *Right of all peoples to national and international peace and security*
- Article 24 — *Right of all peoples to a general satisfactory environment*

Chapter III (Articles 27–29) is without parallel in the other regional instruments: it imposes duties on individuals. Every individual has duties to the family, to society, to the state, to other legally recognized communities, and to the international community (Article 27). Article 29 specifies duties to preserve and strengthen social and national solidarity, to preserve and strengthen positive African cultural values, and — controversially — to contribute to the best of one's abilities to the promotion and achievement of African unity.

The Charter is supplemented by important additional instruments, notably the Protocol on the Rights of Women in Africa (the **Maputo Protocol, 2003**), which provides the most

comprehensive protection of women's rights in any binding international instrument, including provisions on reproductive rights, inheritance, and protection from harmful practices including female genital mutilation.