African Human Rights System Research Guide

Written by Alice Izumo
Last Updated July 1, 2015

What This Guide Covers

The purpose of this guide is to facilitate research on the African human rights system, in particular, the main sources of African regional human rights law--treaties and non-treaty human rights instruments--and their interpretation and application by regional and sub-regional bodies. The African Union (AU) is an inter-governmental organization whose 54 member states comprise all countries in Africa except Morocco. (The AU succeeded the Organisation of African Unity (OAU) in July 2002.) The three primary AU institutions dedicated to human rights are the African Commission on Human and Peoples’ Rights, the African Court on Human and Peoples’ Rights, and the African Committee of Experts on the Rights and Welfare of the Child (“African Children’s Rights Committee”). In addition to the African Union—a regional inter-governmental organization—there are also a number of sub-regional inter-governmental organizations created to promote economic integration, of which eight are recognized by the AU Assembly as Regional Economic Communities (RECs), the building blocks (or “pillars”) of a future African Economic Community (AEC). The most significant REC bodies from a human rights law perspective are: the ECOWAS Community Court of Justice, an institution of the Economic Community of West African States (ECOWAS); the East African Court of Justice, of the East African Community (EAC); and the SADC Tribunal, of the Southern African Development Community (SADC).

This guide focuses on resources that are readily available to the Columbia University community, including: books and journals in our libraries (in print and digital format); subscription-based databases available through our libraries; and free resources on the web.

What This Guide Does Not Cover

If your goal is to identify all sources of human rights law applicable in a particular African country, remember to look at not only the regional human rights law discussed in this guide, but also international human rights law (see Diamond Law Library’s Human Rights Research Guide) and national (domestic) law (see How Can I Find Laws Related to Human Rights in a Specific Country? in the Human Rights Research Guide and An Introduction to African Legal Sources).

If you are searching for reports on human rights violations in a particular African country, see How Can I Find Information About the Human Rights Situation in a Specific Country? in the Human Rights Research Guide.

This guide does not cover international criminal tribunals or truth commissions in Africa. For suggestions on where to find resources on the International Criminal Court or the International Criminal Tribunal for Rwanda within Diamond Law Library, see the library's International Criminal Law Research Guide.
Contents

1 Background Sources
2 Treaties and Other Human Rights Instruments
   2.1 African Regional Treaties
   2.2 African Regional Non-Treaty Human Rights Instruments
   2.3 African Sub-Regional Treaties & Human Rights Instruments
   2.4 Treaty Sources and Bluebook Citation
   2.5 Treaty Status
   2.6 Compilations of African Regional Treaties & Human Rights Instruments
3 Decisions/Cases and Other Sources Interpreting and Applying Treaties
   3.1 Regional Bodies
      3.1.1 African Commission on Human and Peoples’ Rights
         3.1.1.1 Activity Reports
         3.1.1.2 General Comments
         3.1.1.3 Periodic State Reporting
         3.1.1.4 Recommendations and Resolutions
         3.1.1.5 Communications (Decisions/Cases)
         3.1.1.6 Missions
      3.1.2 Rapporteurs, Working Groups, and Other Special Mechanisms of the African Commission
      3.1.3 African Court on Human and Peoples’ Rights
      3.1.4 African Children’s Rights Committee
      3.1.5 Other African Union Institutions
   3.2 Sub-Regional Bodies
      3.2.1 ECOWAS Community Court of Justice
      3.2.2 East African Court of Justice
      3.2.3 SADC Tribunal
   3.3 Online Databases and Compilations of Decisions/Cases
   3.4 Bluebook Citation of Decisions/Cases and Other AU/OAU Documents
4 Books
5 Journals
6 Bibliographies and Research Guides

Background Sources

The following sources provide an overview of the African human rights system. The online sources are helpful as a quick introduction. The books are much more comprehensive and rich with citations.

Background Sources Online

- Main Mechanisms, Institute for Human Rights and Development in Africa (IHRDA)
Background Books

  - Also available online through the Columbia University Libraries

This is a small selection of background books published since 2002. To find more books on human rights law and Africa, see this guide’s section on Books and consult a reference librarian.

Treaties and Other Human Rights Instruments

For advice on treaty research in general, see Diamond Law Library's Guide to Treaty Research.

African Regional Treaties

A treaty is a written agreement between two or more states or international organizations. Treaties have many different names, including convention, covenant, protocol, charter, pact, accord, and agreement. They impose binding obligations on states that become parties to them, and are a fundamental source of international law. For explanation of where treaties are published and how to cite to them, see this guide's section on Treaty Sources and Bluebook Citation. To find information on which states have become parties to a treaty, see this guide's section on Treaty Status. To see many treaties and human rights instruments gathered together in one place, see this guide's section on Compilations of African Regional Treaties & Human Rights Instruments.

The central human rights treaty in the African region is:

*African Charter on Human and Peoples’ Rights ("Banjul Charter")*

Other core regional human rights treaties are:

**African Charter on the Rights and Welfare of the Child**
- adopted July 1, 1990; entered into force Nov. 29, 1999

**Protocol to the African Charter on Human and Peoples' Rights on the Establishment of the African Court on Human and Peoples' Rights**
- adopted June 10, 1998; entered into force Jan. 25, 2004

**Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa ("Maputo Protocol")**
- adopted Nov. 7, 2003; entered into force Nov. 25, 2005

Other regional treaties related to human rights include the following (for more complete lists, see this guide's section on **Compilations of African Regional Treaties & Human Rights Instruments**):

**AU Convention Governing the Specific Aspects of Refugee Problems in Africa**
- adopted Sept. 10, 1969; entered into force June 20, 1974

**Cultural Charter for Africa**

**Convention for the Elimination of Mercenarism in Africa**
- adopted July 3, 1977; entered into force Apr. 22, 1985

**Bamako Convention on the Ban of the Import into Africa and the Control of Transboundary Movement and Management of Hazardous Wastes within Africa**

**OAU Convention on the Prevention and Combating of Terrorism**
- adopted July 1, 1999; entered into force Dec. 6, 2002

**Constitutive Act of the African Union**
- adopted Nov. 7, 2000; entered into force May 26, 2001

**African Union Convention on Preventing and Combating Corruption**
- adopted July 1, 2003; entered into force Aug. 5, 2006

**African Union Non-Aggression and Common Defence Pact**
- adopted Jan. 1, 2005; entered into force Dec. 18, 2009
African Youth Charter

- adopted July 2, 2006; entered into force Aug. 8, 2009

African Charter on Democracy, Elections and Governance


African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa


African Regional Non-Treaty Human Rights Instruments

The term human rights instrument is used in this guide to encompass not only treaties, but also other types of documents that establish human rights standards and are adopted by states, international organizations, or other non-state actors. Non-treaty human rights instruments may be called declarations, principles, guidelines, or various other names. Generally, they are a form of non-binding “soft law,” but they can be highly influential, especially if they are widely adopted.

Non-treaty human rights instruments in the African region include:

Declarations, Principles, and Guidelines (these are just a few examples; to find more declarations, principles, and guidelines, see this guide's section on Compilations of African Regional Treaties & Human Rights Instruments):

Grand Bay (Mauritius) Declaration and Plan of Action

- adopted Apr. 16, 1999 by the First OAU Ministerial Conference on Human Rights

Kigali Declaration

- adopted May 8, 2003 by the AU Ministerial Conference on Human Rights in Africa

General Comments of the African Commission (see this guide's section on the African Commission on Human and Peoples' Rights):

General Comments on Article 14 (1) (d) and (e) of the Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa

- adopted Nov. 6, 2012

General Comment No. 2 on Article 14.1 (a), (b), (c) and (f) and Article 14. 2 (a) and (c) of the Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa

- adopted Nov. 28, 2014

General Comments of the African Children's Rights Committee (see this guide's section on the African Children's Rights Committee):

General Comment No. 1 (Article 30 of the African Charter on the Rights and Welfare of the Child)
on: "Children of Incarcerated and Imprisoned Parents and Primary Caregivers" (see the Committee’s General Comments web page)

- adopted Nov. 2013

General Comment [No. 2] on Article 6 of the African Charter on the Rights and Welfare of the Child: "Right to Birth Registration, Name and Nationality" (see the Committee’s General Comments web page)

- adopted Apr. 2014

African Sub-Regional Treaties & Human Rights Instruments

The Regional Economic Communities (RECs) and other sub-regional inter-governmental organizations have numerous treaties and non-treaty instruments, some of which are relevant to human rights. If your goal is to identify all sources of human rights law applicable in a particular African country, you should check whether it is a member of any sub-regional organizations, and if so, you should review their treaties and other instruments to determine if any relate to human rights. Generally, sub-regional organizations provide the text of their treaties and other instruments on their websites.

Treaty Sources and Bluebook Citation

Treaties are published in a variety of official and unofficial sources. The most common sources for African regional treaties are:

- I.L.M. = International Legal Materials, available in print and online through HeinOnline.

The Bluebook requires citation to an official source published by an international organization like U.N.T.S. if possible; if not, citation to an unofficial source like I.L.M. is acceptable. (The Bluebook, 20th ed., Rule 21.4.5 and Table T4)

Treaty Status

The status of a treaty includes: which countries have signed, ratified, or acceded to it; whether any countries have made reservations to modify their obligations under certain provisions of the treaty; whether any countries have made interpretive declarations stating how they interpret certain treaty provisions; and whether the treaty has entered into force. The means of entry into force depends on the treaty; typically, a treaty contains a provision stating that it will enter into force when it has been ratified by some specified number of countries.

For information on the status of African regional treaties, see:

- Legal Instruments, African Commission on Human and Peoples' Rights
- OAU/AU Treaties, Conventions, Protocols & Charters, African Union

Compilations of African Regional Treaties & Human Rights Instruments

Unfortunately, there is no exhaustive compilation of African regional treaties and human rights
instruments that is updated in real time. If you need to do an exhaustive search, start with the compilations below, and then scour the websites of the human rights bodies for more recent treaties and human rights instruments.

**African Instruments**, Institute for Human Rights and Development in Africa (IHRDA)


- As of June 2015, this compendium appears to be the largest single collection of African regional treaties and human rights instruments; it was last updated in 2013. It also contains other types of documents, including decisions of the African Commission and Court on Human and Peoples' Rights.


**Legal Instruments**, African Commission on Human and Peoples' Rights

**OAU/AU Treaties, Conventions, Protocols & Charters**, African Union

Many treaties and human rights instruments are also included in compilations of African Commission documents. See this guide's section on the **African Commission on Human and Peoples' Rights**.

**Decisions/Cases and Other Sources Interpreting and Applying Treaties**

**Regional Bodies**

Within the African Union, the African Commission on Human and Peoples’ Rights, the African Court on Human and Peoples’ Rights, and the African Committee of Experts on the Rights and Welfare of the Child (“African Children’s Rights Committee”) are the three primary institutions dedicated to human rights. They interpret and apply human rights law as part of their work promoting human rights, monitoring member states’ compliance with human rights standards, investigating claims of human rights abuse, and/or resolving disputes.

**African Commission on Human and Peoples’ Rights**

The African Commission on Human and Peoples’ Rights (“African Commission” or “Commission”) is the most longstanding institution dedicated to human rights in the African regional system. It was established by the African Charter on Human and Peoples’ Rights ("Banjul Charter") and met for its first session in 1987.

The Commission is primarily responsible for monitoring implementation of the Banjul Charter and the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa ("Maputo Protocol"), but also addresses other regional and international human rights instruments. Its main functions will be familiar to researchers with knowledge of the UN treaty monitoring body system.

The 11 members of the Commission are nominated by AU member states and elected by the AU Assembly for a six-year term, with the possibility of renewal. The Banjul Charter calls for Commission
members to be “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.” (Art. 31) They are to serve in their personal capacity (Art. 31), not as representatives of particular countries.

Although the Commission's documents are increasingly available online, some documents, especially older ones, are still available only in print. When searching for older materials, keep in mind that the Commission was founded under the Organisation of African Unity (OAU) and continued under the African Union when the AU succeeded the OAU in July 2002; therefore, Commission materials published prior to that date are OAU documents, and those published since then are AU documents.

Activity Reports

Under the Banjul Charter (Art. 54), the Commission is required to submit a report on its activities to the AU Assembly of Heads of State and Government (previously, the OAU Assembly of Heads of State and Government).

Where to find Activity Reports:

- Recent Activity Reports are posted on the Commission's website. Click on the Documents tab, and then select Commission Activity Reports and Intersession Activity Reports under the Documents heading.
- The Columbia University libraries have the following publications in print:
    - Columbia (Diamond Law Library) has No. 1, which reprints the 1st, 2nd, and 3rd Activity Reports.
  - *Documents of the African Commission on Human and Peoples' Rights*, Rachel Murray & Malcolm Evans, eds. (Hart Publishing) (two volumes)
    - Columbia (Diamond Law Library) has 12th-17th.
    - Columbia (Lehman Social Sciences Library) has 25th-34th.

The Commission's activities include:

General Comments
In 2012, the Commission began issuing General Comments setting forth its interpretation of certain provisions of the Banjul Charter and the Maputo Protocol. The Commission’s General Comments are similar in function to the General Comments and General Recommendations issued by the UN treaty monitoring bodies. Although they are not binding on states parties, they serve as authoritative guidance on treaty interpretation.

Where to find General Comments:

- As of June 2015, the Commission has issued two General Comments; they are available on the Commission’s Legal Instruments web page.

**Periodic State Reporting**

Under the Banjul Charter (Art. 62) and the Maputo Protocol (Art. 26), states parties are required to report to the Commission on their implementation of these treaties every two years. In a process similar to the UN treaty monitoring body review process, the state submits reports, NGOs submit reports (also called “shadow reports” or “civil society reports”), the Commission conducts a public session to discuss the reports with state delegates (“examination” of reports), and the Commission issues Concluding Observations regarding the state’s implementation of the treaties. In practice, this process has not been followed consistently by all countries. As of June 2015, some states are up to date on their reporting, while others are years overdue or have never submitted a report.

Where to find documents related to state reporting:

- Recent documents and statistics are available online on the African Commission's State Reporting page. The Commission's website states that older documents will soon be available online as well.
- The Columbia University libraries have the following publications in print:
  
  - *Documents of the African Commission on Human and Peoples' Rights*, Rachel Murray & Malcolm Evans, eds. (Hart Publishing) (two volumes)
    
  
  - Some documents are reprinted in the Commission's Activity Reports.

**Recommendations and Resolutions**

The Commission has adopted resolutions and made recommendations addressing specific topics and countries. Some explain and expand upon provisions of the Banjul Charter, thereby serving a purpose similar to the General Comments and General Recommendations issued by the UN treaty monitoring bodies.

Where to find recommendations and resolutions:

- Resolutions are posted on the Commission's website. Click on the Documents tab, and then select Resolutions under the Documents heading.
- The Columbia University libraries have the following publications in print:
  


Documents of the African Commission on Human and Peoples' Rights, Rachel Murray & Malcolm Evans, eds. (Hart Publishing) (two volumes)


- Recommendations and resolutions are also reprinted in the Commission's Activity Reports.

Communications (Decisions/Cases)

Serving a quasi-judicial function, the Commission has the authority to receive complaints (called “communications”) alleging human rights abuses by one or more states parties to the Banjul Charter. These complaints may be made by a state (“inter-state” communications) or by an individual or NGO (“individual” communications). As of June 2015, the Commission has received one inter-state communication and hundreds of individual communications. The Commission determines admissibility of the complaint, attempts to facilitate an amicable resolution, and failing that, makes a decision on the merits and issues non-binding recommendations to the state(s).

Where to find decisions on communications:

- For advice on the most effective ways to search online for decisions of the Commission and other regional and sub-regional bodies, see this guide's section on Online Databases and Compilations of Decisions/Cases.
- Recent Commission decisions are also available online on the Commission's Communications page.
- The Columbia University libraries have the following publications in print:


    - Columbia (Diamond Law Library) has the 2000-2011 editions in print. For online access, see this guide's section on Online Databases and Compilations of Decisions/Cases.

• This volume is a companion to *Compilation of Decisions on Communications of the African Commission on Human and People's Rights: Extracted from the Commission's Activity Reports 1994-2001*.


• Commission decisions are also reprinted in the Commission's Activity Reports.

**Missions**

The Commission undertakes “protective missions” to investigate allegations of human rights violations by states parties (these may, but need not be, related to the Commission's quasi-judicial communications procedure) and “promotional missions” to encourage implementation of the Banjul Charter.

Where to find mission reports:

• Reports are posted on the [Commission's website](#). Click on the *Documents* tab, and then select *Mission Reports* under the Documents heading.

• The Columbia University libraries have the following publications in print:

  • *Documents of the African Commission on Human and Peoples' Rights*, Rachel Murray & Malcolm Evans, eds. (Hart Publishing) (two volumes)


**Rapporteurs, Working Groups, and Other Special Mechanisms of the African Commission**

The Commission has created a variety of Special Mechanisms to carry out further monitoring, investigative, and promotional activities. These Special Mechanisms may be an individual person (a Rapporteur) or a group of people (a Working Group or Committee). Typically, one of the members of the Special Mechanism is also a member of the Commission. As of June 2015, there are 15 Special Mechanisms, each one focused on a particular issue.

• More information about the Special Mechanisms, including their documentation, is available through the Commission’s [Special Mechanisms](#) web page.

• The Columbia University libraries have the following publications in print:

  • *Documents of the African Commission on Human and Peoples' Rights*, Rachel Murray & Malcolm Evans, eds. (Hart Publishing) (two volumes)

Some of the Special Mechanisms have published their reports individually, so it is worth searching for them on Columbia's online library catalogs. See this guide's section on Books.

African Court on Human and Peoples’ Rights

The African Court on Human and Peoples’ Rights was created under the Protocol to the African Charter on Human and Peoples' Rights on the Establishment of the African Court on Human and Peoples' Rights ("Court Protocol") to complement the work of the African Commission. The first judges were sworn in in 2006. The 11 judges are nominated by AU member states and elected by the AU Assembly, but they serve in their personal capacity, not as representatives of any state. They are initially elected for a six-year term and can be re-elected once.

The Court can only hear cases against states that have ratified the Court Protocol. For current ratification status, see the Commission’s Court Protocol web page.

Cases can be brought by: the Commission; a state party that has lodged a complaint to the Commission; the state party against which the complaint has been lodged at the Commission; the state party whose citizen is a victim of a human rights violation; and African Intergovernmental Organizations (Court Protocol, Art. 5(1)). In addition, a state party to the Court Protocol can make an optional declaration to allow individuals and NGOs with observer status before the Commission to bring cases against the state directly, without first making a complaint to the Commission (Court Protocol, Art. 34(6)). Few states have made such an optional declaration. In short, cases are generally brought through the Commission, so the African Commission and Court operate as a two-tier system similar to the Inter-American Commission and Court.

Where to find the Court’s decisions and docket materials:

- For advice on the most effective ways to search online for decisions of the Court and other regional and sub-regional bodies, see this guide's section on Online Databases and Compilations of Decisions/Cases.
- Court’s website
- The Columbia University libraries have the following publications in print:
  - Columbia (Diamond Law Library) has the 2000-2011 editions in print. For online access, see this guide's section on Online Databases and Compilations of Decisions/Cases.

African Children’s Rights Committee

Committee”) is the treaty monitoring body of the African Charter on the Rights and Welfare of the Child (“African Children’s Charter”). The 11 members of the Committee are nominated by states parties to the Charter and elected by the AU Assembly, but they serve in their personal capacity, not as state representatives. The Charter requires that the members be “of high moral standing, integrity, impartiality and competence in matters of the rights and welfare of the child” (Art. 33(1)). A legal background is not required or preferred for members of the African Children's Rights Committee, unlike the African Commission or the African Court. The members are elected for a five-year term, which cannot be renewed.

The African Children’s Committee’s monitoring, interpretive, investigative, and quasi-judicial activities are similar to those of the African Commission (see this guide’s section on the African Commission on Human and Peoples’ Rights), but focused on the African Children’s Charter, rather than the Banjul Charter and Maputo Protocol. The Committee's activities include:

**General Comments:** The Committee adopted its first General Comment in November 2013. As of June 2015, the Committee has issued two General Comments; they are available on the Committee’s General Comments web page.

**Periodic State Reporting:** A state party to the African Children’s Charter is supposed to report within two years of the treaty’s entry into force for that state, and every three years thereafter. The African Children’s Rights Committee’s periodic state reporting process is coordinated with the state reporting process of the Committee on the Rights of the Child, the UN treaty monitoring body of the Convention on the Rights of the Child. The African Children’s Rights Committee began examining state reports during its 12th session in November 2008.

- As of June 30, 2015, documentation of the state reporting process was not available on the Committee’s website, parts of which appeared to be under construction.

**Communications (Decisions/Cases):** As of June 2015, the African Children’s Rights Committee has received two communications, of which one has been finalized.

- The Committee's decision was previously available on its Communications web page, but as of June 30, 2015, that part of the Committee's website appeared to be under construction.
- For advice on the most effective ways to search online for decisions of African regional and sub-regional bodies, see this guide's section on Online Databases and Compilations of Decisions/Cases.

**Missions:**

- Information on the Committee's missions was previously available on its Investigative Missions web page, but as of June 30, 2015, that part of the Committee's website appeared to have been moved to a new Investigation web page and was under construction.

**Other African Union Institutions**
Although the African Commission, the African Court, and the African Children’s Rights Committee are primarily responsible for human rights, many other AU institutions also contribute to the development and enforcement of human rights standards. Such institutions include:

- AU Assembly of Heads of State and Government
- Executive Council
- Permanent Representatives’ Committee
- African Commission
- Peace and Security Council
- Pan-African Parliament
- AU Commission on International Law
- New Partnership for Africa's Development (NEPAD), African Peer Review Mechanism (APRM)

**Sub-Regional Bodies**

In addition to the African Union—a regional inter-governmental organization—there are also a number of sub-regional inter-governmental organizations created to promote economic integration, of which eight are recognized by the AU Assembly as Regional Economic Communities (RECs), the building blocks (or “pillars”) of a future African Economic Community (AEC). Although the RECs were created primarily for the purpose of economic integration, three bodies within them have emerged as significant actors in interpreting and applying human rights law: the ECOWAS Community Court of Justice, an institution of the Economic Community of West African States (ECOWAS); the East African Court of Justice, of the East African Community (EAC); and the SADC Tribunal, of the Southern African Development Community (SADC).

**ECOWAS Community Court of Justice**


Where to find ECOWAS Community Court of Justice decisions:

- Selected decisions are posted online on the Court's List of Decided Cases from 2004 Till Date page.
- For advice on the most effective ways to search online for decisions of regional and sub-regional bodies, see this guide's section on Online Databases and Compilations of Decisions/Cases.
- The Columbia University libraries have the following publication in print:
    - Columbia (Diamond Law Library) has the 2000-2011 editions in print. For online access, see this guide's section on Online Databases and Compilations of Decisions/Cases.
  - The first five years of the Court's decisions have been published in a reporter, 2004–2009
Community Court of Justice, ECOWAS Law Report (2011). Unfortunately, this publication is not widely available.

East African Court of Justice


Where to find East African Court of Justice decisions:

- Decisions are posted on the [Court's website](#). You can filter by various criteria, including case type, country, treaty article, and keyword.
- [East African Court of Justice](#) in the Southern African Legal Information Institute (SAFLII) online repository
- For advice on the most effective ways to search online for decisions of regional and sub-regional bodies, see this guide's section on [Online Databases and Compilations of Decisions/Cases](#).
- The Columbia University libraries have the following publications in print:
  - *Law Digest : Judgments & Rulings of the East African Court of Justice, 2005-2011* (East Africa Law Society, [2012])
    - Columbia (Diamond Law Library) has the 2000-2011 editions in print. For online access, see this guide's section on [Online Databases and Compilations of Decisions/Cases](#).

SADC Tribunal

The Southern African Development Community (SADC) was established in 1992. As of June 2015, there are 15 members: Angola, Botswana, Democratic Republic of Congo (DRC), Lesotho, Madagascar, Malawi, Mauritius, Mozambique, Namibia, Seychelles, South Africa, Swaziland, Tanzania, Zambia, and Zimbabwe. The SADC Tribunal received its first case, *Ernest Francis Mtingwi v. SADC Secretariat*, SADC (T) Case No. 1/2007, in 2007. The SADC Tribunal has been effectively [suspended since 2010](#) (see the [SADC Tribunal](#) page on the SADC website).

For a research guide covering the SADC Tribunal, see [An Introduction to the Law of the Southern African Development Community](#) on GlobaLex.

Where to find SADC Tribunal decisions:

- [Court Decisions](#) page on the Tribunal's website.
- [Southern African Development Community: Tribunal](#) in the Southern African Legal Information Institute (SAFLII) online repository
- For advice on the most effective ways to search online for decisions of regional and sub-regional bodies, see this guide's section on [Online Databases and Compilations of Decisions/Cases](#).
The Columbia University libraries have the following publication in print:

- Columbia (Diamond Law Library) has the 2000-2011 editions in print. For online access, see this guide's section on **Online Databases and Compilations of Decisions/Cases**.

**Online Databases and Compilations of Decisions/Cases**

As described above, several regional and sub-regional bodies serve judicial or quasi-judicial functions in the African human rights system: the African Commission on Human and Peoples’ Rights (through its Communications process), the African Court on Human and Peoples’ Rights, the African Children’s Rights Committee (through its Communications process), the ECOWAS Community Court of Justice, the SADC Tribunal, and the East African Court of Justice. Their decisions (also called cases) have been aggregated in a number of databases and compilations accessible online. (For information on publications in print, see this guide’s sections on each of these bodies, above.)

As of June 2015, the African Human Rights Case Law Analyser database and the *African Human Rights Law Reports* are the most effective tools to do an aggregated search for decisions of the regional and sub-regional bodies, thanks to their extensive coverage, indexing, and search functions. (The African Human Rights Case Law Database offers much of the content of the *African Human Rights Law Reports* in convenient browsable format, but its irregular date coverage can be confusing.) To be as thorough as possible, you should complete your search by checking the regional and sub-regional bodies' official websites for additional decisions.

**African Human Rights Case Law Analyser database:**

- **About:** Free database created by the Institute for Human Rights and Development in Africa (IHRDA), an NGO based in Banjul, the Gambia.
- **Coverage:** Decisions from the African Commission on Human and Peoples’ Rights, the African Court on Human and Peoples’ Rights, the African Children’s Rights Committee, the ECOWAS Community Court of Justice, the SADC Tribunal, and the East African Court of Justice. As of June 2015, this database has more comprehensive coverage than the official websites of some of these bodies.
- **Search Functions:** You can search the full text of the decisions or you can search by various criteria including institution, country, and topical keyword.
- **Format:** The decisions are in text format, not PDF images of print publications.
- **Notes:** In addition to decisions, this database also contains some treaties, declarations, principles, and guidelines (to view them, click on the Legal Instruments tab).

**African Human Rights Case Law Database:**

- **About:** Free database hosted by the Centre for Human Rights at the University of Pretoria, South Africa, which also edits the *African Human Rights Law Reports*.
- **Coverage:** The content appears to be generally based on the *African Human Rights Law Reports*, but unfortunately, date coverage varies by institution. For some institutions, such as the African Commission on Human and Peoples’ Rights, date coverage is behind the *African Human Rights Law Reports*, but for other institutions, such as the ECOWAS Community Court of Justice, coverage is ahead of the *African Human Rights Law Reports*. 
• **Search Functions:** You can browse by country, institution, and subject (general principles or procedural issues, and substantive rights).

• **Format:** The decisions are in text format.


• **About:** The *African Human Rights Law Reports* reprint legal decisions relevant to human rights law in Africa. An annual edition has been published since 2000. The 2000-2004 editions were produced by the Centre for Human Rights, University of Pretoria, in cooperation with the Institute for Human Rights and Development in Africa (IHRDA), and published by JUTA Law. The 2005-2011 editions were a joint publication of the Centre for Human Rights, University of Pretoria and the African Commission on Human and Peoples' Rights, and were published by Pretoria University Law Press. Although there is currently a delay in publication (as of June 2015, the most recent edition is 2011, which was published in 2014), Pretoria University Law Press does intend to continue publishing new editions.

• **Coverage:** Decisions from: the International Court of Justice; UN human rights treaty monitoring bodies; African regional bodies (African Commission on Human and Peoples’ Rights, African Court on Human and Peoples’ Rights, African Children’s Rights Committee); African sub-regional bodies (ECOWAS Community Court of Justice, SADC Tribunal, East African Court of Justice); and domestic courts of African countries. Much of the content appears to be included in the African Human Rights Case Law Database.

• **Search Functions:** You can look up cases by name, institution, topic (the Subject Index has general principles or procedural issues, and substantive rights), and legal authorities cited (international treaty/instrument and international case law). For more details, see the User Guide at the beginning of each edition.

• **Format:** All editions are available to download for free in searchable PDF format on the [African Human Rights Law Reports website](http://example.com) and Diamond Law Library has the 2000-2011 editions in print.

• **Notes:** Each decision has a headnote with topical keywords (corresponding with the Subject Index) for the primary issues in the case. For more details, see the User Guide at the beginning of each edition.

**African Law Library** database:

• **About:** The African Online Library on Law and Governance ("African Law Library") is a project of the African Innovation Foundation, an NGO with offices in Geneva and Zurich, Switzerland and Luanda, Angola. You must register (for free) to gain full access to the database.

• **Coverage:** Decisions of African regional bodies and sub-regional bodies. As of June 2015, coverage is not as comprehensive as the African Human Rights Case Law Analyser database or the *African Human Rights Law Reports*.

• **Search Functions:** You can search the full text of the documents or you can search by various criteria, including subject, court, and country. The search criteria are not as well tailored to human rights decisions as the African Human Rights Case Law Analyser database or the *African Human Rights Law Reports*.

• **Format:** Most documents are in PDF format.

• **Notes:** This database has a broader scope than the African Human Rights Case Law Analyser database and the *African Human Rights Law Reports*. In addition to decisions, it also contains legislation and secondary sources (articles, reports, books, etc.). It is not focused solely on human rights; it has materials pertaining to many other topics.
Bluebook Citation of Decisions/Cases and Other AU/OAU Documents

The Bluebook (20th ed.) does not have a section devoted to the African human rights system, but some rules mention African Union/Organisation of African Unity documents and institutions. Rule 21.7.9 and Rule 21.13 address documents produced by international organizations such as the AU and OAU. Rule 21.5.8 offers examples of citations to decisions of the African Commission on Human and Peoples’ Rights and the African Court on Human and Peoples’ Rights.

There is no official reporter or law reports series published by the African Commission on Human and Peoples’ Rights or by the African Court on Human and Peoples’ Rights. Frans Viljoen, International Human Rights Law in Africa xiv (2d ed. 2012). For information on publication of their decisions in print, see this guide's sections on the African Commission on Human and Peoples' Rights and African Court on Human and Peoples' Rights.

Books

For a list of books providing an overview of the African human rights system, see this guide's section on Background Sources.

In the Columbia University library system, most materials related to human rights in Africa are in Diamond Law Library and Lehman Social Sciences Library. Use the online library catalogs to find materials in the Columbia University library system. In each library catalog, you can search by various fields including subject, title, author, and keyword. You can do a combined search of multiple fields by using the advanced search function.

**Pegasus**

- Law school library (Diamond Law Library) catalog
- Suggested subject searches on Pegasus:
  - Human rights -- Africa
  - Human rights -- [insert country name]
  - African Commission on Human and Peoples' Rights
  - African Court on Human and Peoples' Rights

**CLIO**

- CLIO covers most Columbia libraries, including the law school library (Diamond Law Library), the main university library (Butler Library), and the libraries of the School of International and Public Affairs (Lehman Social Sciences Library), business school, journalism school, and social work school. CLIO does not include the Teacher's College library.
- Columbia University Libraries' African Studies web page provides links to many very useful research guides, databases, and other online resources.
- Suggested subject searches on CLIO:
  - human rights Africa
  - human rights [insert country name]
To find books in libraries outside of Columbia, use WorldCat. Columbia Law School students who wish to borrow books from outside of Columbia through inter-library loan (ILL) must consult the librarians at the reference desk.

If you need advice on searching for books, contact the librarians at the reference desk. For reference desk hours, see the Diamond Law Library homepage.

Journals

Periodical Indexes

When searching for journal articles related to the African human rights system, it is especially important to try using periodical indexes in addition to the major full-text databases like Westlaw, Lexis, and HeinOnline Law Journal Library because Westlaw, Lexis and HeinOnline contain mostly journals published in the U.S. The Index to Legal Periodicals & Books includes journals from the U.S., U.K., Canada, Ireland, Australia and New Zealand, and the Index to Foreign Legal Periodicals covers journals published worldwide in multiple languages.

Periodical indexes provide other advantages compared to the major full-text databases. First, indexes may cover journals over a more extended period of time. Second, indexes provide more sophisticated search functions, such as searching by subject, country of publication, and language.

See an annotated list of indexes available through Diamond Law Library. As human rights in Africa is an interdisciplinary topic, you may also find it useful to consult social sciences indexes such as PAIS International and African studies indexes (see the Indexes, Abstracts, Law Databases, Journal TOCs & Reviews section in the Basic Guide to Research on Africa by Yusuf S. Caruso, Columbia University Libraries).

Journals on Human Rights Law in Africa

Journal articles related to the African human rights system may be published in general law reviews as well as specialized journals on African law, international law, and human rights.

Below is a list of journals that focus specifically on human rights in Africa. Some are no longer published. Journals that have published at least one issue in the past couple of years (as of June 2015) are in bold.

- AFLA Quarterly (Maastricht, The Netherlands: AFLA Maastricht)
  Available at Columbia (Diamond Law Library) in print

  Available at Columbia (Diamond Law Library) in print and online.
  Available to download for free at publisher's website

  Available at Columbia (Diamond Law Library) online
• Cahiers africains des droits de l'homme et de la démocratie (Kinshasa, Congo : Centre de recherche interdisciplinaire pour la promotion et la protection des droits de l'homme en Afrique centrale)

Available at Columbia (Diamond Law Library) in print


Available at Columbia (Diamond Law Library) in print and online

• East African Journal of Peace & Human Rights (Kampala, Uganda: Makerere University, Human Rights and Peace Centre)

Available at Columbia (Diamond Law Library) in print
Some articles available to download for free at publisher's website

• ESR Review: Economic and Social Rights in South Africa (Bellville, South Africa: Community Law Centre, University of the Western Cape)

Available at Columbia (Diamond Law Library) online
Some issues available to download for free at publisher's website

• South African Journal on Human Rights (Johannesburg, South Africa: Centre for Applied Legal Studies (CALS), University of Witwatersand; Cape Town, South Africa: JUTA)

Available at Columbia (Diamond Law Library) in print and online
Some articles available to download for free at publisher's website

• Southern Africa Human Rights Review (Lusaka, Zambia: Afronet)

Available at Columbia (Diamond Law Library) in print

Bibliographies and Research Guides

Bibliographies


Research Guides

African human rights system:

• Human Rights in Africa, by Yemisi Dina, Osgoode Hall Law School Library, York University
• Regional Material, University of Minnesota Human Rights Library

Other related topics:

• Columbia University Libraries: African Studies
- Diamond Law Library: Human Rights Research Guide by Aslihan Bulut, updated by Alice Izumo
- Diamond Law Library: An Introduction to African Legal Sources by Silke Sahl
- GlobaLex: Towards the Human Rights Protection of Minority Languages in Africa (Apr. 2008) by Innocent Maja
- GlobaLex: An Introduction to the Law of the Southern African Development Community (July/Aug. 2014) by Dunia P. Zongwe
- GlobaLex: Regional Trade Agreements in Africa: A Historical and Bibliographic Account of ECOWAS and CEMAC (Sept. 2014) by Victor Essien
- GlobaLex: Sources of Online Legal Information for African Countries (April/May 2015) by Jane Williams

Retrieved from "http://library.law.columbia.edu/guides/African_Human_Rights_System"