

Executive summary

The respect for human rights remains at the heart of the search for peace and justice on the African continent. Of much relevance to this search is the concept of human security, which demands, amongst other things, the safeguarding of peoples' vital freedoms. Lasting stability on the African continent would be difficult to achieve unless people are protected from threats to their rights, safety or lives.

The principal aim of this study is to monitor progress in the field of human rights in Algeria, Ethiopia, Ghana, Kenya, Nigeria, Senegal, South Africa and Uganda. The objective is to determine whether the states to be reviewed have taken any concrete steps to domesticate the relevant standards to which they have committed themselves; to determine the level of the actual enjoyment of these human rights commitments within the national sphere; and to provide specific information on the legal and *de facto* situation in the countries concerned.

The rights that are addressed are personal safety and security, which encompasses the right to life, freedom from arbitrary arrest and detention, and freedom from torture, cruel, inhuman or degrading treatment or punishment. Within this theme of personal safety and security, we also look at security issues affecting children and refugees, since the African Union (AU) has a charter and convention in force, which specifically address these two groups. The other themes addressed are access to justice and freedom of expression. It was not our intention to rank or prioritise rights, which would undoubtedly detract from the universal goal of realising all human rights. Human rights are indivisible and need to be treated in an integrated manner. Rights should therefore be implemented irrespective of whether they are considered positive or negative, justiciable or non-justiciable, or otherwise. Exhaustive information is not provided on each country. Rather, this study highlights the chief areas of difficulty that countries have in meeting their human rights obligations in the areas of personal safety and security, access to justice and freedom of expression.

Senegal and South Africa seem to have the best current human rights records, while Algeria, Ethiopia, Uganda and Nigeria lag far behind. Kenya and Ghana fall somewhere in between those two groups. In some instances, inadequate funding, understaffing and poor training contribute to human rights related problems in a country. This could be seen in all of the commitments reviewed in this study, but particularly in the areas of access to justice where judiciaries are overburdened with large caseloads. Under the personal safety and security commitment, it is inadequate training, and not government-sanctioning of violence, that contributes to extrajudicial killings, torture, arbitrary arrest and detention. In other instances, where national laws restrict rights, where actions by government officials are state-sanctioned, or where there is a lack of state action to protect rights, states seem to be willing participants in committing human rights violations.

The findings in this review suggest that the eight African countries reviewed still have significant work to do if they want to meet regionally established human rights standards. For most of the countries that were reviewed, the *de facto* human rights situation does not meet national or regional human rights standards. Yet, clear attempts to rectify this discrepancy are being made. The willingness to create national institutions to address human rights problems that are of a particularly acute nature in certain states and an increased willingness to prosecute human rights perpetrators, who are often state officials, are two very encouraging signs. It is hoped that the countries committed to the AU and NEPAD will continue in their efforts to engage in serious human rights discourse and that each will continue to address the human rights problems that plague their individual states and the continent as a whole.