

FOCUS ISSUE 9: POLITICAL GOVERNANCE

I. Overview of Commitments

Africa:

1. Successive African Union (AU) Summits have taken decisions aimed at promoting democracy, good political governance and socio-economic development. In particular, through the 2001 Constitutive Act of the African Union, member States commit themselves, among others, to the objectives and principles of protecting and promoting democracy, good political governance, human rights and the rule of law.

2. AU States have made core commitments in the areas of democracy, political governance, governance and socio-economic development in the 2002 Declaration on Democracy, Political, Economic and Corporate Governance. These commitments are monitored through the Africa Peer Review Mechanism (APRM), an instrument designed for self-monitoring at the national and continental levels.

3. The Declaration on the Principles of Governing Democratic Elections in Africa was approved in 2002. The Declaration underlined the need to strengthen the Africa Union's efforts in advancing the democratization process in Africa in view of its growing role in the monitoring and observation of elections.

4. The 1981 African Charter on Human and Peoples Rights is an international human rights instrument that seeks to promote and protect human rights and basic freedoms on the African continent.

5. The African Charter on the Rights and Welfare of the Child was adopted in July 2003 as the first human rights instrument of the AU, and the Protocol to the African Charter Related to the Rights of Women in Africa came into force in November 1999.

6. The African Charter on Democracy, Elections and Governance was adopted in June 2007. It draws reference from the 1981 African Charter on Human and People's Rights and serves as a guide and reference point for sustained and ongoing political reform on the continent.

International Community:

7. **G8 leaders** at successive summits have committed to strengthen programmes related to improved governance in Africa and have expressed support for the APRM process including implementation of the derivative NPOAs.

8. **The 2005 Paris Declaration on Aid Effectiveness** recognizes that whilst the volumes of aid and other development resources must increase to achieve the MDGs, aid effectiveness must increase significantly as well to support partner country efforts to strengthen governance.

9. The **Universal Declaration on Human Rights (UDHR)** is the foundation of international human rights law and was adopted by the United Nations General Assembly in 1948. The Declaration asserts the universal human entitlement to a range of civil, political, economic and social rights. The UDHR serves as the foundation for two binding UN human rights covenants, the International Covenant on Economic, Social and Cultural Rights, and the International Covenant on Civil and Political Rights.

10. **The UN Declaration on the Right to Development (1986)** states that “the right to development is an inalienable human right by virtue of which every human person and all peoples are entitled to participate in, contribute to, and enjoy economic, social, cultural and political development, in which all human rights and fundamental freedoms can be fully realized.”

11. The normative basis of the Millennium Declaration’s call to eradicate extreme poverty is derived from the right to development. The Millennium Development Goals which were drawn from the Millennium Declaration are underpinned by existing human rights including – the right to food and water, to an adequate standard of living, to housing, to health, to education, the rights of women and the rights of children, the participation rights found throughout the human rights instruments, and the overarching right to development.

II. What has been done to deliver on these commitments?

Africa: progress towards meeting commitments

12. African States have established the APRM, a self-monitoring instrument to promote good governance on the continent. To date, 29 out of the 53 African countries have voluntarily acceded to the APRM process, representing almost 54% of AU member states and covering a population totalling 652 million – representing almost 75% of the entire African population. Fifteen out of the 29 countries have formally launched the APRM process following accession -- representing about 51% of the APRM membership.

13. All the countries with the most significant populations in Africa (i.e. Nigeria, Egypt, Ethiopia, South Africa and Sudan) have signed up to the process and half of them have already started the process. Seven out of the fifteen signed-up countries have completed all the stages of the peer review process and have been reviewed by the APR Heads of State Forum. The APRM is primarily funded by participating member States. Since its inception, participating countries have funded a substantial part of its budget. As of 2008, African countries contributed the bulk, about 75% of the budget of the APRM at the Continental level, while bilateral and multilateral development partners contributed the balance of 25%. African actors in the APRM increasingly feel that there is a need for external support for the implementation of the NPOAs.

14. The adoption in January 2007 of the African Charter on Democracy, Elections and Governance further reinforces the commitment of AU Member States to democracy, development and peace. In September 2008, the Joint Action Plan of the African Union and the International Institute for Democracy and Electoral Assistance (IDEA) was launched. The Plan is centred on the African Charter on Democracy, Elections and Governance and will implement programmes designed to support principles enshrined in the Charter. It envisages spending over Euros 15 million over the next five years to support the development of democratic institutions and processes in Africa.

15. In 2002, African leaders mandated the African Union to mobilize resources to establish a Democratisation and Electoral Assistance Fund to facilitate the implementation of the Declaration on the Principles Governing Democratic Elections in Africa, and to support the activities of an Electoral Assistance Unit to be established within the Political Affairs Department of the African Union Commission.

16. Most African countries have signed, ratified or acceded to the major international human rights instruments, and their constitutions and other laws have endorsed human rights and the rule of law as essential concepts for organizing their societies. Through the African Union and other regional instruments and initiatives, African countries have also pledged to uphold the rule of law to protect and promote the fundamental human rights contained in the treaties and their national constitutions and to uphold the principles of good governance.

17. The African Commission on Peoples and Human Rights (ACPHR) has been created as a treaty body to monitor implementation of the Charter on Human and People's Rights. In accordance with article 62 of the Charter, State Parties are required to submit every two years a report on the legislative or other measures taken with a view to giving effect to the rights and freedoms recognized and guaranteed by the Charter.

18. The African Court of Human and People's Rights has been established which has a jurisdiction that extends to all cases and disputes concerning the application of the African Charter and any other relevant human rights instruments ratified by AU member States. At the sub-regional level, the RECs have also created relevant judicial institutions, including the ECOWAS, EAC and SADC Courts of Human and People's Rights.

19. To address the issue of child abuse and ensure better protection of children, African States have developed institutions to monitor and advocate for children's rights. The African Committee of Experts on the Rights and Welfare of the Child (ACERWC) was established under the African Child Charter, and is mandated to ensure the promotion and protection of the rights as enshrined in the Charter and to monitor their implementation.

20. The African Union has also created a number of institutions outside the Heads of State and Government Assembly and the AU Commission, whose primary purpose is to broaden and deepen the level of participation of a range of stakeholders. These include the Pan-African Parliament (PAP) which was established in 2004; and the Economic, Social and Cultural Council (ECOSOCC) which was created in 2007 as a platform for including civil society in AU decision-making processes.

International community: support for good political governance in Africa

21. Bilateral and multilateral development partners have contributed 25% of the total financial contributions to the APRM since its inception. A basket account has been created – the APRM Trust Fund-- which is situated in the UNDP and became operational in 2005¹. The international community has therefore established a mechanism that can support the APRM process by making contributions through the APRM Trust Fund without jeopardizing a number of essential factors and principles underlying its effectiveness – including national ownership and leadership by the participating country.

22. The APRM also draws technical support from key strategic partners – the African Development Bank (AfDB), the United Nations Development Programme (UNDP) and the United Nations Economic Commission for Africa (UNECA). The AfDB and the ECA are providing support and technical assistance to APR structures and countries, the APR Panel and the APRM Secretariat.

23. Development partners are currently looking into ways of providing more effective, coordinated donor support to the APRM process. However, there is a growing feeling among lead actors and participating countries that the mechanism may atrophy if it is not injected with the resources to implement the National Plan of Actions (NPOAs) emanating from the process.

24. The EU Governance Initiative is a new initiative which forms part of the 'EU Strategy for Africa'. Under the governance initiative, the EU will provide support for reforms triggered by the APRM and has earmarked 2.7 billion Euros to this end. The European Commission's proposals on governance in the "European Consensus on Development" states that support for reforms identified by the APRM process should be integrated into existing cooperation arrangements.

¹ Contributions to the APRM are either directed through the APRM operating account operated by the Development Bank of South Africa (DBSA) – the institution that currently hosts the NEPAD and APRM Secretariats – or the UNDP-APRM Trust Fund.

25. The UDHR has inspired more than 60 international human rights instruments, which together constitute a comprehensive system of legally binding treaties for the promotion and protection of human rights which address concerns such as slavery, genocide, humanitarian law, violence against women and children etc. The Convention on the Rights of the Child is now the most universally ratified Convention. Fourteen States have incorporated provisions of the Convention into their constitutions. Thirty-five have passed new laws conforming to the Convention or amended laws related to child abuse.

26. In adopting the Vienna Declaration and Programme of Action (VDPA) by consensus, the World Conference on Human Rights (convened in Vienna in 1993) reaffirmed the centrality of the UDHR protection and recognised the Right to Development as an inalienable right and an integral part of human rights law. The VDPA's key institutional recommendation was the establishment of the United Nations High Commissioner for Human Rights (created in 1993) to coordinate all human rights activities system-wide.

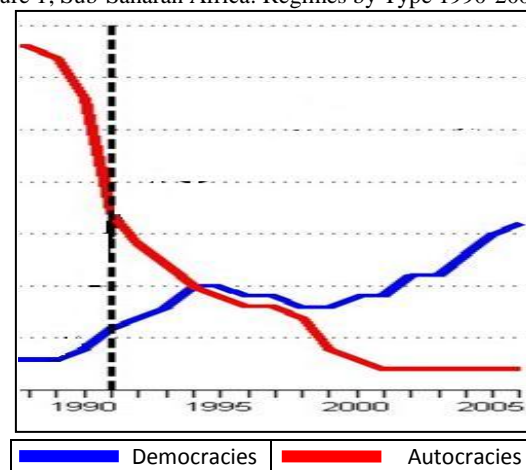
27. In 1998, the Economic and Social Council, by its decision 1998/269, endorsed the recommendation contained in Commission on Human Rights resolution 1998/72, to establish a mechanism to explore in greater depth ways of implementing the right to development through a Working Group on the Right to Development. The mandate of the Working Group is to monitor and review progress in the implementation of the right to development. In February 2004, the Working Group recommended to the Commission on Human Rights that it establish a High-Level Task Force in order to assist it in fulfilling its mandate.

28. In an effort to move the right to development from general principles and political commitments to specific operational tools for development practice, the Task Force has recognised the value-added of developing concrete criteria based on the right to development framework and is applying them to global partnerships for development including the APRM and the Paris Declaration on Aid Effectiveness. The application of these criteria will facilitate current and future partnerships to factor in explicitly the essential elements of the right to development into their operational frameworks.

III. What are the results?

29. **Overall, African States are moving towards multiparty democracy.** The political landscape in Africa has changed profoundly and, today, a significant number of African countries are classified as functioning democracies. Since the early 1990s processes of political transformation began in many African countries: regime change has occurred in many cases. Africa as a whole has become politically more open, and the participation of the people in political processes through elections has increased.

Figure 1; Sub-Saharan Africa: Regimes by Type 1990-2005



30. However, compared to other regions, the average ratings for sub-Saharan African democracy are, despite political change, still poorer than the average for all developing countries. There are, indeed, a few “dysfunctional” democracies where the first generation of authoritarian leaders continue to deny the subsequent generation of citizens their basic freedoms and human rights by ignoring constitutional limits on power and discretionary authority. Therefore, although there have been changes for the better, major governance deficits persist in almost all parts of the continent and require additional efforts by the African countries themselves. The expected economic results of improved governance remain elusive for many citizens, and in the long term this poses a threat to the stability of the continent.

31. **An increasing number of African countries are legitimizing their governments through universal elections.** Both the number of elections held and the number of countries in which they are held have risen in Africa. Where elections have been held, it is also noticeable that the acceptance of the results by unsuccessful candidates has improved.

32. The democratic quality of elections is improving with increased levels of participation in elections. Between 2005-2007, there have been 26 presidential elections², and 28 Parliamentary elections³ have been held in Africa. In addition, three new African countries, Liberia, Central African Republic, and the Democratic Republic of Congo have joined the ranks of new African democracies since 2005.

33. The level of political participation is now quite high (as judged by voter turnout), even in cases when the credibility of the electoral process may be suspect. According to the Inter-Parliamentary Union (IPU), of 19 countries with at least 2 successive elections, 63% show voter registration increases indicating greater participation, an important indicator of improved democracy and good governance. The high level of participation in electoral processes suggests there is general commitment to a peaceful and orderly transfer of power.

34. The central message of the AGR II is that, overall, there has been mixed progress on political governance in Africa. While progress has been made in terms of the regularity of elections, there is still a deficit in terms of the quality of elections in many countries, suggesting that the consolidation of democracy is still at its infancy in Africa. Often military rule, one person rule, ethnic conflicts (due partly to marginalisation of minority groups), low participation of women, weak civil society, and patronage relationships are prominent features of Africa’s political space. As a consequence, the contest for political power has in some cases been marked by intimidation, bribery and corruption.

35. The quality of elections in Africa is often compounded by the absence of the institutions of accountability, such as independent electoral commissions, that are necessary conditions for proper political representation. There remains a major challenge of securing autonomy - both political and financial – of electoral commissions in Africa. Furthermore, many of electoral institutions often

36. lack the capacity to conduct free and fair elections which undermines their legitimacy and performance.

37. **The scope of political representation has widened through various democratic representative structures.** The increase in political participation and higher rates of voter turn-out cuts across gender, racial and ethnic divides which suggests increasing political inclusion on the

² In Sierra Leone, Mali, Nigeria, Mauritania, Senegal, Madagascar, Zambia, The Gambia, Democratic Republic of the Congo, Sao Tome and Principe, Seychelles, Chad, Comoros, Benin, Uganda, Cape Verde, Tanzania, Gabon, Burkina Faso, Liberia, Guinea-Bissau, Togo, Djibouti, Central African Republic and Egypt.

³ In Madagascar, Sierra Leone, Cameroon, Mali, Congo-Brazzaville, Senegal, Seychelles, Nigeria, Burkina Faso, Benin, Lesotho, The Gambia, Gabon, Mauritania, Zambia, Democratic republic of Congo, Sao Tome and Principe, Uganda, Cape Verde, Tanzania, Gabon, Zimbabwe, Liberia, Burundi, Mauritius, Ethiopia, Zimbabwe and Central African Republic.

continent. Deliberate efforts have been made through constitutional provisions and conventions to reflect the diversity of African societies in the organs of government, especially in the executive branch and legislature.

38. According to AGR II, virtually all constitutions of Africa countries prohibit discrimination of citizens on the basis of ethnic, religious, racial or geographical diversity of citizens on one form or the other. It is also noted that in many African countries there are unwritten codes which aim at “political balancing” whereby both the President and the Vice President have to be from different parts of the country and sometimes from different religious creeds. In addition, affirmative action policies have been put into place to ensure that women and the physically challenged are represented in parliament and the state cabinet.

39. New pressures have mounted in many African countries to increase the number of women in parliament. Africa, which previously had the lowest rates of female participation in politics, has seen the fastest rates of growth in female representation of all regions of the world. Quotas to increase women’s presence in parliament (candidate quotas and reserved seats) were adopted by a large number of African countries in the 1990s and some countries have now actually reached levels of women’s parliamentary representation comparable to those in Nordic countries. Rwanda, for example, is ranked at number one in the world.

40. Regarding the global ranking of the representation of women in Parliament, there are a total of 11 African countries that were ranked among the top 45 countries out of a total of 189 countries from all regions in the world.⁴ The participation of women in government and the political process in showing an encouraging trend in Africa, however, general, the level of women’s involvement in politics is still low.

41. Important strides have been made by many African countries with respect to social inclusiveness, however the AGR II report notes that ethno-regional discrimination still lies at the heart of political disunity and large discrepancies still occur along ethnic, regional, religious and other marginalized social group lines which has led to communal violence or civil wars in a number of countries on the continent. The challenge is to encourage better inclusion of ethnic, racial and gender categories in the political process.

42. **There is a growing trend to check on executive powers, although executive dominance still predominates.** Reports emerging from the APRM process so far have revealed several governance challenges in African States. One of the major challenges confronting good political governance in Africa is how to effectively constrain the executive’s power and creatively balance its discretionary authority while not diluting its ability to fulfil its constitutional obligations and political mandate and to perform its functions efficiently and effectively.

43. The first AGR noted that various reform measures have been undertaken to ensure checks and balances both within governmental institutions and in the wider governance system. The creation in most African countries of watchdog bodies, such as the ombudsman, human rights commission, auditor general, inspector of governance or minister of good governance, are leading examples of these initiatives. Nonetheless, the lack of independence from the executive has reduced the effectiveness of these agencies in performing their functions.

44. All things considered, the most important institution is the electoral commission, which is the permanently functioning institution charged with the task of preparing and conducting elections. Electoral commissions ought to be independent, competent and perceived as completely fair by all candidates and parties participating in an electoral process. One of the cornerstones of the independence of the Electoral Commission is entailed in its funding. Electoral Commissions are

⁴ These countries are Rwanda, Mozambique, South Africa, Tanzania, Uganda, Namibia, Lesotho, Seychelles, Tunisia, Senegal and Ethiopia.

entitled to receive adequate funding as is reasonably required to perform its constitutional mandate effectively.

45. Most African countries have set up independent electoral management bodies as a way of building trust and confidence in their electoral processes and to ensure that those processes foster consolidation of democracy through an open and transparent competition for public office and state power. In addition, many countries now have a legal framework that espouses the autonomy of electoral institutions. However, as reported in the first AGR, in most African countries, the executive decides the commission's funding and controls its disbursement.

46. The legislature and the judiciary are also expected to play an important role in monitoring and checking the powers and discretionary authority of the executive. The extent to which the executive is called to account depends on the efficiency and effectiveness of these two institutions. However, African states have struggled to ensure the independence of their judiciaries and legislatures. In many cases, the legislature and judiciary lack the capacity that would enhance their independence and competence. Amongst other things, this is due to a lack of basic facilities and inadequate financial resources. In many African countries the independence of the judiciary is further eroded because the executive largely determines the appointment of senior judges, magistrates, judicial officials and ranking civil servants, and they also have very limited access to updated legal information.

47. Taking into account all these shortcomings, most African states have enshrined in their constitutions the principles of independence of their official accountability agencies. With the expansion of political space and democratization in Africa, executive dominance is being gradually contained.

48. **The APRM is beginning to have an impact and is charting a new course for improving governance systems in Africa.** Five years into implementation, the APRM is shaping up to be an important milestone in Africa's move towards institutionalizing democratic and good governance practices across the continent. Although its definitive impact on Africa's development has yet to be fully assessed, there is a clear sense that the APRM is beginning to chart a new course for improving governance systems. A preliminary assessment of impact of the mechanism can therefore be made at three main analytical levels: at the level of process; at the level of content and technical reviews; and at the level of the "peer review" summits of Heads of State.

49. *Process:* The APRM process is beginning to shift existing governance systems from accountability to external partners to a focus on domestic accountability. It is beginning to strengthen the voice of citizens and civil society by increasing demand-side pressures on government that would lead to a gradual increase in rules-based governance, transparency and accountability within largely executive dominant political systems.

50. While various monitoring exercises of APRM implementation processes in different countries point to a variation in terms of civil society engagement in the processes, it is clear that the APRM is legitimizing the demand for accountability of public institutions to domestic constituencies, which has rarely been the case in Africa⁵. Due to its highly consultative country self-assessment process and continental reach as a peer-based mechanism, the APRM is fast gaining currency as a powerful input to domestic debates about governance reforms. The process is therefore opening up space for civil society participation, which is essential to the effectiveness and legitimacy of any governance assessment that seeks to enhance domestic accountability. The APRM is also slowly building and sustaining trust, credibility and commitment to national ownership of development initiatives, which is consistent with the principles of the Paris Declaration.

⁵ Although the advent of broadly participative PRSP processes on the African continent led to participation of CSOs in the planning and evaluation of poverty reduction strategies, they were still viewed essentially as government-owned strategies accountable to external donors without local ownership and accountability to the range of domestic stakeholders.

51. *Content and Technical Reviews:* The few Country Review Reports published by the APRM Secretariat so far have clearly established the professionalism, technical rigor and integrity of the peer review process as led by the Panel of Eminent Persons. The Eminent Persons have shown competence and credibility as well as a willingness to criticize states undergoing the review, and have therefore been a critical factor in establishing the usefulness and legitimacy of the process to a wider audience other than Heads of State. While criticism of the slow pace of the reviews may be valid, the perceived validity and credibility of the reports far outweighs the delays experienced in producing the reports.

52. The substantive reports of the 9 pioneering APRM countries have highlighted best practices that are worthy of emulation by other countries.⁶ The best practices are published in Country Review Reports that are presented to the APR Forum of Heads of States and Government. This has been done for Ghana, Rwanda, Kenya, Algeria, South Africa, Uganda, Nigeria, Burkina Faso and Benin – the nine countries that have so far completed the peer review stage.

53. For example, in the thematic area of political and democratic governance, Ghana was held up as a role model in the realm of peace and stability in West Africa, while Rwanda stood out in the promotion of the right to health and women’s rights including having the highest number of women represented in Parliament. South Africa’s exemplary leadership in creating participatory governance structures was praised. In economic governance and management, South Africa and Kenya were both highlighted as cases of best practices for domestic resource mobilization. Kenya’s export-led growth strategy was praised, while South Africa’s model of participatory budget formulation and MTEF, which had a high degree of cabinet involvement and stakeholders’ participation, was cited.

54. Access to social services, especially health and education, is a challenge to many African countries, and the outstanding performance of Algeria, Rwanda and Kenya in this sector was considered exemplary. The challenge with these best practices is how to duplicate them in other countries, which the reports do not necessarily focus on. It should be expected that the APRM continental structures and their strategic partners, such as the AfDB and the UNECA, will develop policy guidelines to assist countries interested in emulating these best practices.

55. In addition to extracting best practices, APRM reports have identified detailed cross-cutting or overarching issues that are seen as areas of governance deficiencies of a recurring nature. These issue areas, which range from managing diversity to xenophobia and racism, to spatial inequality and environmental degradation, require a holistic approach in the search for solutions.

Cross-Cutting Issues Underscored in the First Five Peer- Reviewed Countries

Cross - cutting issue	Ghana	Rwanda	Kenya	South Africa	Algeria
Managing diversity		✓	✓	✓	✓
Unemployment	✓		✓	✓	✓
Capacity constraints and poor service delivery	✓	✓	✓	✓	
Poverty and inequality			✓	✓	
Land reform	✓	✓	✓	✓	
Violence against women/ gender inequality	✓		✓	✓	
Violence against children				✓	
Hiv/Aids pandemic				✓	

⁶ The analysis presented here is based on a thematic paper prepared by the APRM Secretariat entitled “Emerging Issues in Africa: Perspective from the APRM Process,” for the 11th APF, Addis Ababa, Ethiopia, 17-18, Nov. 20008. APRM/NEPAD, Midrand, South Africa.

Corruption	✓		✓	✓	✓
External dependency	✓	✓			
Crime				✓	
Xenophobia and racism				✓	
Transformative leadership			✓		
Constitutionalism			✓		
Chieftaincy	✓				
Decentralisation	✓				
Gacaca Court system		✓			
Political pluralism and competition for ideas		✓			
Reform and modernization of the government					✓
Spatial inequality and environmental degradation					✓

Source: APRM Secretariat, 11th Meeting of the Africa Partnership Forum (APF), Addis Ababa, Ethiopia, November 2008, Thematic Paper: Emerging Governance issues in Africa: Perspectives from the APRM process.

56. *“Peer Review” Summits of Heads of States (APRM Forum)*: The APRM Forum, constituted by the APRM participating Heads of States, is the pinnacle of the entire peer review process. This is where the final APRM reports submitted by the Panel of Eminent Persons are tabled and debated among African leaders who interact with each other as peers. However, the extent of rigorous debate about the reports among Heads of State is unclear since there is very little knowledge as to what actually ensues during APRM Forum meetings. In addition, the feedback loop between the outcomes of the APRM Forum meetings and the level of engagement by the reviewed Head of State with national governance institutions are not clear⁷.

57. Nevertheless, an Extra-Ordinary Summit of the APR Forum met in Cotonou, Benin, from October 25-26, 2008 to discuss selected cross-cutting issues identified in the reviews to date, including the Management of Diversity and Xenophobia, Elections in Africa, Corruption, Resource Control and Land Management, and the Gacaca Court System in Rwanda. A perspective of the impact of these cross-cutting issues on African governance can be gauged from the background notes prepared by the APRM Secretariat on each of the cross-cutting issues to guide the discussion of the Forum.⁸

58. Increasingly, there is a demand from the ranks of civil society and other interest groups that the APRM Forum of Heads of State must be backed by a follow-up mechanism through which the performance of governments can be monitored against the programs of actions to which they have signed up. The statutory roles of the Pan-African Parliament (PAP) and the Economic, Social and Cultural Council (ECOSOCC) should also be strengthened as an additional accountability measure in this regard.

59. **While African countries have overwhelmingly subscribed to most international and regional human rights norms and standards, a significant gap remains in their realization.** Overall, human rights and the rule of law are being better respected and African governments do not systematically violate fundamental freedoms as has occurred in the past, even though different forms of rights violations and impunity still exist in Africa.

⁷ There is not yet an example whereby the reviewed leader has briefed national Parliaments or civil society and private sector on the conclusions of the “peer reviews” and the necessary follow-up actions.

⁸ APRM Secretariat, Op. Cit.

60. Despite these improvements, the application of human rights standards still lags behind the substantial efforts made in ratifying human rights treaties and conventions. In contrast with the growing body of human rights instruments, regional mechanisms for promoting and enforcing human rights remain weak. The African Commission on Human and People's Rights, the independent body charged with overseeing the implementation of the provisions of the African Charter, is still unable to fully discharge its functions due to a combination of factors. The most significant violations of human rights in Africa tend to be related to the exercise of political rights, especially dissent and freedom of association. In many African countries, constitutional provisions for the protection of political and civil liberties are adequate, but governments regularly violate them.

61. It is estimated that sub-Saharan Africa has the highest child labour rate in the world, with approximately 80 million children, or 41 per cent of those under the age of 14, working. These figures are influenced by factors such as migration, early marriage, differences between urban and rural areas, child-headed households, street children and poverty. Furthermore, with regard to violent conflict, up to 100,000 children, some as young as nine, were thought to be involved in armed conflict in mid-2007. The operations of the African Committee of Independent Experts that was created under the African Child Charter has so far been limited by availability of resources, despite the alarming situation of the African child.

62. The level of discrimination against women in African countries remains disappointingly high. Almost all African constitutions prohibit discrimination based on gender and in some countries specific institutions have been created to deal with gender issues and rights of women. However, a myriad of traditions, practices and social norms continue to deny women their statutory and constitutional entitlements.

63. In many African countries there is still a very low level of transparency with regard to violations of human rights that take place in prisons, for instance, which are often overcrowded with poor sanitation, inadequate medical facilities and food supplies. The lack of observance of human rights by security forces is generally attributed to poor training and inadequate exposure to both domestic and international human rights. Furthermore, the police services in many African countries have grossly insufficient resources in terms of numbers, training facilities and logistics.

64. The right to development is about enhancing two dimensions of accountability: the domestic accountability on resource allocation, and the accountability within international partnerships. There is a need, therefore, to address the accountability failure that is undermining the attainment of the MDGs in Africa.

65. The APRM serves as a tool that supports the implementation of the right to development and should relate directly to African human rights institutions. More detailed reporting on freedom of expression, assembly, association and access to information, as well as election management and non-discrimination, should be explicitly and systematically integrated into the APRM process. A corresponding obligation on developed countries regarding the right to development includes addressing structural impediments and biases in the system and management of international trade, the operation of international financial institutions, and international arrangements that entrench dependency and poverty.

66. The significance of human rights to achieving good governance, sustainable development and peace and security cannot be overemphasized. However, in contrast with the generally positive record of ratifications of human rights treaties and the multiplication of instruments and mechanisms, African countries need to make much more progress in fulfilling their obligations at implementing human rights treaties.

IV. What are the key priorities?

Action by Africa:

- More efforts are needed to create and support the institutions that enhance democracy as well as human rights and develop mechanisms that facilitate the work of oversight bodies;
- Improve mechanisms of monitoring and evaluation to track implementation progress as well as the institutionalization of the APRM in national governance processes;
- African countries should ensure that their National Programmes Of Actions (NPOAs) are costed, time-bound, and aligned with existing development strategies and incorporate financing into the Medium Term Expenditure Frameworks (MTEFs);
- Intensify efforts made towards strengthening the effectiveness of the judiciary, legislature and electoral commissions.

Response by the international community:

- Support partner country efforts at improving governance in Africa;
- Donors should increase support and acknowledgement of the APRM as a credible and vital governance assessment tool with the potential of replacing other ongoing bilateral and multilateral governance assessment tools;
- More co-ordinated donor support to the APRM process and support for the implementation for National Plans of Action (NPOAs) and their integration into NDPs and PRSPs;
- Increase resources for the EU Governance Initiative to provide support for reforms that are triggered by the APRM;
- Provide support for capacity development of continental and national human rights institutions.