

# Conclusion: The divergence between regional human rights standards and country practices

The findings in this study are somewhat discouraging, yet also encouraging. Senegal and South Africa seem to have the best current human rights records – with Algeria, Ethiopia, Uganda and Nigeria lagging far behind. Kenya and Ghana fall somewhere in between these two groups. Yet, as was revealed in this study, none of the countries under review can claim to have a completely clean human rights record, just as no country in the world can. It is obvious from this study that most of the states reviewed still have significant hurdles to overcome if they want to show a sincere commitment to the promotion, protection and guarantee of human rights.

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 the committal of human rights violations.

For the most part, the countries under review have ratified the relevant regional human rights instruments, with the exception of the Protocol on the Establishment of an African Court on Human and Peoples' Rights, which still needs to be signed by four of the countries. The next step would

be to resolve discrepancies between state commitments to human rights and national laws that conflict with the same commitments. As seen through the human rights guarantees provided in the constitutions of all the states under review, many national laws already are in step with regional and international human rights standards. On the other hand, states of emergency, terrorism bills, restrictive media laws and the like are disconcerting and should be reviewed by the states concerned.

The most important and challenging task, therefore, is to ensure that state practice is in line with national and regional standards. This can be addressed in several ways. For example, states need to make strong efforts to educate and train their authorities, particularly police and security forces, who seem to exercise limitless powers in many of the countries that were reviewed. Further, where allegations of human rights violations are made, they must be investigated and officials should be reprimanded and prosecuted where violations are found. States should also make a concerted effort to address past human rights atrocities, where they have occurred. This might entail removing impunity and amnesty laws to make way for prosecutions, or establishing commissions to create factual and precise accounts of past atrocities. Without this, citizens, particularly victims, will lack confidence in the state. Further, citizens should not be fearful of state reprisals merely for expressing their views and opinions. Freedom of expression, assembly and association should not be repressed.

In the realm of human rights, significant work lies ahead for all of these countries, as well as for the other countries that have signed on, or intend to sign on, to the African Peer Review Mechanism. Yet, hope remains. The African region as a whole has made remarkable strides in its willingness to promote a human rights dialogue and to publicly review and criticise the actions of African states that violate human rights. Moving forward, it is hoped that this positive action will continue, that states will take responsibility for their actions and for the actions of their officials and that the region, in cooperation with civil society, will continue to carry out a constructive human rights dialogue.

**States need to make strong efforts to educate and train their authorities, particularly police and security forces ... and officials should be reprimanded and prosecuted where violations are found.**

