

This is the first volume of the *African Human Rights Yearbook*. Of the three regional human rights systems, the African is the youngest. The publication of this *Yearbook* marks a point at which the African regional human rights system has attained a certain level of maturity. Bringing together contributions related to the three institutions making up the African human rights system, the *Yearbook* also reflects a system that has become more and more cohesive. The *Yearbook* aims to be a forum for analytical reflection on all aspects of the system.

Of the three siblings in the African human rights family, the African Commission on Human and Peoples' Rights (African Commission) is the eldest. The date 2 November 2017 marks 30 years since its inauguration, in 1987. Initially meeting in Addis Ababa, its seat was subsequently established in Banjul, the Gambia, where it is still located. One of the reasons for the choice of the Gambia, namely, the democratic culture symbolised by President Jawara, fell away when he (President Jawara) was unseated forcibly by military might in 1994. The undemocratic rule of his successor (President Jammeh) led to persistent calls that the seat of the Commission should be moved away from Banjul. However, Jammeh was voted out, and eventually stood down, making way for a return to democratic governance under President Barrow in 2017. This era holds the promise of Banjul yet again becoming the beacon of human rights in Africa, as it was at the time when the African Charter was drafted, and the African Charter was named the 'Banjul' Charter.

Described by many initial commentators as a document designed to fail, in the hands of successive members of the African Commission, the African Charter on Human and Peoples' Rights (African Charter) came to be interpreted purposively and progressively. Some of the Commission's greatest advances and contributions lie in the improvements in the state reporting system, which now consistently culminates in comprehensive and insightful Concluding Observations; its initiative to establish an array of relevant and influential special mechanisms; the vast improvements over time in the dissemination of relevant information; the normative expansion of the Charter through Resolutions, General Comments and other soft law standards; and the quality and innovation of its jurisprudence in a number of trend-setting communications. The Commission was also instrumental in the adoption of the Protocol to the African Charter on the Rights of Women in Africa (African Women's Rights Protocol).

A number of contributions in the *Yearbook* deal with the normative expansions by the African Commission and other aspects of its

mandate. Provisions of the African Women's Rights Protocol, in particular, prove to be fertile ground for analysis and discussion (see for example the articles by Anyangwe, Boshoff, Chekeru-Radu, Zvobgo and Dziva, Erychalu and Durojaye, Guignard, Owiso and Sefah, Oyugi and Rabenoro).

The middle sibling is the African Committee of Experts on the Rights and Welfare of the Child (African Children's Committee). Initially taking some hesitant steps, it was viewed by many as the stepchild of the African human rights system. At the time of the publication of this *Yearbook*, 18 years has lapsed since the entry into force of the treaty this Committee supervises, the African Charter on the Rights and Welfare of the Child (African Children's Rights Charter). Since its inauguration, the seat of the Committee has been with the AU headquarters in Addis Ababa, but, at the time of this publication, its relocation is under consideration. It is fair to state that the African Children's Committee has matured into an effective and active champion for children's rights in Africa, as the article by the current Chairperson of the Committee, Professor Benyam Mezmur, illustrates.

The youngest sibling of the three is the African Court on Human and Peoples' Rights (African Human Rights Court). Hardly a decade in operation, with its first judgment handed down in 2009, the African Human Rights Court has already left its mark on Africa's human rights landscape. As this *Yearbook* appears, eleven merits judgments have been delivered, leading to decisions of human rights violations by States: nine direct-access cases, directly submitted to the Court (six cases against Tanzania; two against Burkina Faso; and one against Côte d'Ivoire); and two indirect-access cases, submitted by the African Commission (*African Commission (Saif Al-Islam Kadhafi) v Libya* and *African Commission (Ogiek) v Kenya*). In addition, the Court issued a number of advisory opinions, and handed down three judgments in which it clarified the implementation of previous judgments.

Contributors in this *Yearbook* grapple with issues such as the relationship between the African Commission and the African Human Rights Court (see the article by Yerima); the challenge of effective implementation of the Court's remedial orders (see the article by Murray *et al*; and Nyman-Metcalf and Papageorgiou); and the tension between regional specificity and universalism in the Court's jurisprudence (as reflected in the article by Ondo).

Three main themes are covered in this *Yearbook*: the norms and standards that form the basis of the regional system; the institutions that supervise these norms and standards, and make them part of people's lived realities; and the rights of women and children. A number of the contributions deal with these issues in a cross-cutting way, or place them in a broader context.

Here is a brief chronology of this first volume of the *Yearbook*: The *Yearbook* was announced late in 2016, with a call for papers closing in February 2017. The process was initiated under the complementarity cooperation between the Commission and the Court, later joined by the Children's Committee. Initial ground-work was done by a team of enthusiastic staff members of the three institutions (see the

Acknowledgements). Specific mention should, however, be made of the pivotal role of the Court, and in particular, Dr Horace Adjolohoun. The further process involved the advisory participation of the International Advisory Board, and the Editorial Committee, spearheaded from the Centre for Human Rights, Faculty of Law, University of Pretoria. Following the call for papers, a number of authors were invited to develop full papers. These were subjected to a peer review process, culminating in the papers selected and edited for this publication.

Frans Viljoen, for the Editorial Committee

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