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<p><b>AFRICAN COURT ON HUMAN AND PEOPLES' RIGHTS</b>  <b>COUR AFRICAINE DES DROITS DE L'HOMME ET DES PEUPLES</b>  P.O. Box 6274 Arusha, Tanzania – Telephone: +255 272 510 510  Website: <a href="http://www.african-court.org">www.african-court.org</a> / Email: <a href="mailto:registrar@african-court.org">registrar@african-court.org</a></p>		

**Opening address by the Honourable Blaise Tchikaya, President of the Court for the 2026 Judicial Year**

**Theme: “Twenty Years in Service of the Protection of Human and Peoples’ Rights”**

Your Excellency John Dramani Mahama, President of the Republic of Ghana, Guest of Honour with his delegation,

Your Excellency...

1. It is with profound honor and deep humility that I welcome you to this momentous occasion, the official opening of the 2026 Judicial Year of the African Court on Human and Peoples’ Rights.

2. I extend my warmest wishes for a happy, healthy and prosperous 2026 to each of you. May this year strengthen our personal commitment to advance justice and human rights and our support for the Court’s work in protecting human rights across the continent.

3. We are privileged to have with us today a distinguished gathering including the Deputy Chairperson of the African Union Commission, the Heads of the Organs and Departments of the African Union, representatives of the Presidents of the Regional and Sub-Regional Courts, Ambassadors accredited to Tanzania, Ethiopia and to UNECA, representatives of the Supreme Courts of the African Union Member States, the Presidents of the various Bar Associations, academics, and representatives of the media. You are all most welcome to the Court's headquarters.

4. We are particularly honored by the presence of His Excellency John Dramani Mahama, President of the Republic of Ghana, our Guest of Honor and Keynote Speaker. This important and historic visit confirms the commitment of His Excellency and the Republic of Ghana, the country of the visionary Osagyefo Dr. Kwame Nkrumah, champion of African independency and Pan-Africanism, to justice and human rights, and is a source of immense pride for the entire justice and human rights community on the continent. We express our profound gratitude and satisfaction for your presence, Your Excellency.

Excellences, dear colleagues, dear friends,

5. The opening of this judicial year coincides with the twentieth anniversary of the Court, which we are currently celebrating. Hence the choice of the theme "*Twenty Years in the Service of the Protection of Human and Peoples' Rights.*" The Court has now been operational for two decades. As you know, it is the only continental body with a judicial mandate for the protection of human rights, complementing the mandate of its elder sister, the African Commission on Human and Peoples' Rights.

6. After twenty years of activity, this is undoubtedly an opportunity for the Court and for you, as stakeholders, to look back and take stock of our

achievements, the progress made, our successes, shortcomings, and challenges, in order to better plan for the future.

Excellences, dear colleagues, dear friends,

7. During these two decades, despite the difficulties, the Court has received a total of 365 contentious applications and rendered a total of 279 decisions. Regarding requests for advisory opinions, the Court received 17 requests and issued 15 opinions. The Court has thus been able to process and issue decisions, judgments, orders, and advisory opinions. This work has enabled the Court to develop its own rich and varied body of case law, addressing important and diverse themes such as access to justice, the right to a trial within a reasonable time, freedom of the press, women's rights, elections, the rights of indigenous peoples, equality, and non-discrimination. I would like to cite a few significant cases from the Court's jurisprudence.

8. Regarding freedom of the press, the protection of journalists, and the right to a trial within a reasonable time, in Case 013/2011 of Norbert Zongo and 3 of his companions v. Burkina Faso, which arose following the assassination of investigative journalist Norbert Zongo, renowned for his criticism of the regime in power, and three of his companions. The Court held that the Respondent State had violated Article 7(d) of the African Charter on Human and Peoples' Rights, specifically the right *"to be tried within a reasonable time by an impartial tribunal."* The Court therefore ordered the payment of reparations to the victims' families. The Court also concluded that the Respondent State had violated Article 1 of the African Charter on Human and Peoples' Rights, which obliges Member States to guarantee respect for the rights and duties of individuals by taking the necessary measures, including legislative and other measures, to implement them.

9. Regarding the specific issue of women's rights, the Court has issued landmark decisions in two cases: Application No. 046/2016 - APDF and IHRDA v. Republic of Mali and Request for an Advisory Opinion No. 001/2018, submitted by the Pan-African Lawyers Union. In the first decision, the Court reaffirmed women's rights in Africa with respect to equality,

emphasizing the minimum âge of marriage and the right to consent to marriage. In the second decision, it stressed the obligation of States Parties to amend or repeal their laws and regulations on vagrancy to bring them into conformity with the African Charter on Human and Peoples' Rights, the Protocol to the Charter on the Rights of Women in Africa, and the African Charter on the Rights and Welfare of the Child.

10. Regarding democracy and the right to participate in elections, the Court rendered a landmark decision in Case 001/2014 APDH v. Côte d'Ivoire. The Court held that the Respondent State had violated its obligation to establish an independent and impartial electoral body in accordance with Article 17 of the African Charter on Democracy and Article 3 of the ECOWAS Protocol on Democracy, and that it had violated its obligation to protect the right of citizens to participate in the conduct of public affairs in their country, guaranteed by Article 13(1) and (2) of the African Charter on Human and Peoples' Rights.

11. Regarding collective rights, particularly those of indigenous peoples, the Court issued a decision in the case of the African Commission on Human and Peoples' Rights v. Kenya, Application No. 006/2012. The Court recognized the violation of the rights of the indigenous Ogiek people of Kenya concerning their ancestral lands. This decision underscored the importance of addressing the injustices frequently suffered by indigenous communities in Africa and, therefore, the need to protect their rights. The Court ordered those reparations be paid to them by the State of Kenya.

12. However, the Court does not simply issue decisions. Indeed, for some years now, like all continental courts, it has regularly published its jurisprudence in the form of the Reports of Decisions of the Court. It also publishes, in collaboration with the African Commission on Human and Peoples' Rights and the African Committee of Experts on the Rights and Welfare of the Child, the African Yearbook of Human Rights. All these publications are made available to legal practitioners such as judges,

lawyers, academics, and other students, thus contributing to enriching the culture of justice and the defense of human rights on the continent.

Excellences, Ladies and Gentlemen,

13. However, as the popular saying goes, *“the tree should not hide the forest.”* Indeed, despite this encouraging record, it is important to remember that wherever there are successes, there are also challenges and obstacles, and the Court is no exception.

14. First, regarding the legal basis of the Court, which is the Protocol to the African Charter on Human and Peoples' Rights establishing the Court (Ouagadougou Protocol), of the 54 Member States of the African Union, only 34 have ratified it. Furthermore, of these 34 States, only 7 have currently made a declaration recognizing the Court's jurisdiction (Article 34.6), authorizing individuals to bring cases before the Court. These are Burkina Faso, The Gambia, Ghana, Guinea-Bissau, Malawi, Mali, and Niger. However, it is worth noting that between 2019 and 2024, five countries that had made such a declaration sovereignly decided to withdraw it for various reasons. These are Rwanda, Tanzania, Côte d'Ivoire, Benin, and Tunisia. This situation means that the Court is largely unknown on the continent and undoubtedly constitutes a significant obstacle limiting access to the Court for its citizens.

15. In order to address this situation, the Court, with the support of its partners, conducted a comprehensive awareness campaign across the continent, engaging with States and civil society to explain and encourage them to reconsider their positions. It visited various States in all regions of the continent, meeting with high-ranking officials, including Heads of States, judicial authorities, and civil society representatives. However, it must be acknowledged that the results fall far short of our expectations.

16. As a consequence of this situation, the number of individual applications received by the Court has drastically decreased. Thus, in 2024, the Court Registry received 15 new applications, and in 2025, this number was limited to just 8.

17. Another obstacle that we believe is important to highlight is the implementation of the Court's decisions. The Court renders decisions at first and last instance, therefore enforceable and not subject to appeal. According to Article 29(2) of the Protocol, the Executive Council of the African Union is responsible for ensuring that Member States respect the Court's decisions. It must be said that, for the moment, this mechanism is not functioning; the vast majority of States concerned have simply not implemented the Court's decisions, ignoring them altogether.

Excellences, Ladies and Gentlemen,

18. As you can see, after two decades of operation, the Court is at a crossroads. It is clear that a Court with limited access and ignored decisions is a diminished, even crippled Court, and litigants will eventually question the very purpose of such a Court.

19. At this opening ceremony of the 2026 judicial year, I take this opportunity to call upon each of us to reaffirm our commitment to justice, fairness, and human dignity. It is high time to move beyond declarations and slogans and engage in concrete actions. This is an opportunity for deep reflection and a renewed commitment to the Court's vision of *"A truly just and equitable Africa where human rights are not merely proclaimed, but truly lived by all."* This year's theme should serve as a challenge for us to ensure that the Court can effectively play its full role as protector of human rights on the continent.

20. I can assure you that for its part, the Court is ready to carry out its mission and advance human rights. However, this is only possible with your support,

especially at a time when human rights, both on the continent and globally, seem to have been relegated to the back burner of states' priorities.

21. At the continental level, this is manifested, as we have emphasized above, by the failure of member states to respect their own commitments. Yet, the Court was established by the will of the member states; it is not an imposition by any foreign power. These same states neglect it, give it little importance, reduce its operational capacities, or even abandon it. We must act and resist this dangerous trend. We must respect our institutions in our common interest.

22. In conclusion, I would like to reiterate that the Court, in its current form, emerged after years of struggle by members of civil society organizations, certain states, and multinational organizations. It took years of discussions, negotiations, diplomacy, compromise, and enormous financial and human efforts to reach an agreement. It is our turn, while acknowledging the efforts of our predecessors, to work to strengthen this Court for the present and future generations. We cannot afford to make mistakes, and we must carry out this mission successfully.

Thank you for your attention.

Merci

Shukran

Obregado

Asante saana