



## **SIXTH JUDICIAL DIALOGUE**

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### **ADVANCING HUMAN RIGHTS IN AFRICA: CHALLENGES AND OPPORTUNITIES FOR INTEGRATING REGIONAL AND INTERNATIONAL HUMAN RIGHTS JURISPRUDENCE IN DOMESTIC COURTS**

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**PEOPLE'S DEMOCRATIC REPUBLIC OF ALGERIA**

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**ALGIERS**

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**20-22 NOVEMBER 2023**

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**FINAL COMMUNIQUE**

1. Under the auspices of the African Union (AU), the African Court on Human and Peoples' Rights (the Court) organized the Sixth African Union Judicial Dialogue ( the Judicial Dialogue) under the theme: " Advancing Human Rights in Africa: Challenges and opportunities for integrating regional and international human rights jurisprudence in domestic courts", from 20-22 November 2023, in Algiers, People's Democratic Republic of Algeria.
2. The Judicial Dialogue was officially opened by H.E. Nadir Larbaoui, Prime Minister of the People's Democratic Republic of Algeria, representing H.E. Abdelmadjid Tebboune, President of the People's Democratic Republic of Algeria. In his remarks, the Prime Minister highlighted the efforts being made by the President of the Republic in the promotion and protection of human and peoples' rights. The Prime Minister recalled the position of the African Union on the Palestinian cause and expressed his condemnation of the crimes against humanity being committed in Gaza, and expressed unconditional African solidarity with the Palestinian people.
3. Other speakers at the opening ceremony included H.E. Abderrachid Tabi, Minister of Justice and Keeper of the Seals of the People's Democratic Republic of Algeria, Hon. Lady Justice Imani D. Aboud, President of the African Court on Human and Peoples' Rights, and H.E. Ambassador Mohamed Salem Khalil the Acting Legal Counsel of the African Union.
4. The Judicial Dialogue was attended by Chief of Justices and Presidents of Constitutional Courts/Councils, Supreme Courts/Cassation Courts or their representatives from 37 Member States of the African Union as well as other relevant stakeholders and partners, including : the African Commission on Human and Peoples' Rights (the Banjul Commission), the African Committee of Experts on the Rights and Welfare of the Child (the Committee of Experts) ,the Southern African Development Community Administrative Tribunal (SADCAT), Office of the High Commission for Human Rights (OHCHR), Court

of Maghreb Arab Union, Economic Community of West African States (ECOWAS) Court of Justice (ECOWAS Court of Justice), Court of the West Africa Economic and Monetary Union, the Conference of Constitutional Courts in Africa, and German Agency for International Cooperation (GmbH) (GIZ).

5. The Judicial Dialogue brought together one hundred and thirty-seven (137) participants from various national and international judicial systems as well as African Union organs. Also present were other stakeholders such as the media, civil society organisations, professional organisations/institutions and resource persons from various institutions.
6. The main objective of the Judicial Dialogue was to provide a platform for judges of national and regional courts and other stakeholders to deliberate on the challenges and opportunities related to integrating regional and international human rights jurisprudence into domestic courts in Africa. It also aimed at exploring, discussing, and analyzing the trajectory of the Maputo Protocol, the evolving human rights jurisprudence concerning women's rights within the African human rights system, and the critical importance of creating awareness among Chief Justices of African Union Member States, about the importance of integration of this jurisprudence into their respective domestic legal frameworks.
7. The Judicial Dialogue also afforded participants the opportunity to discuss and share experiences on the emerging jurisprudence from case law on the justiciability of economic, social and cultural rights.
8. The Judicial Dialogue underscored the importance of continuous collaboration between the international, regional and national courts in order to enhance the effective protection of human and peoples' rights on the continent.
9. The nine sessions of the Judicial Dialogue focused on the following:

- i. The report on the implementation of the recommendations of previous Judicial Dialogues;
  - ii. Role and significance of regional and international human rights jurisprudence;
  - iii. Challenges faced by domestic courts in integrating human rights jurisprudence;
  - iv. Best practices in applying regional and international human rights standards;
  - v. Strengthening cooperation and collaboration between regional and domestic courts;
  - vi. Capacity building and professional development for judges and legal practitioners;
  - vii. 20 years of the Maputo Protocol;
  - viii. Ratification and domestication of regional and international human rights instruments in Africa;
  - ix. Experience sharing on emerging jurisprudence from case-law on justiciability of economic social cultural rights and the right to development, reflections on contemporary challenges and way forward.
10. After three days of frank discussion, the delegates of the Judicial Dialogue arrived at the following conclusions:
11. **On the implementation of the recommendations of previous Judicial Dialogues, the delegates** *encouraged* the African Court and the Centre for Human Rights (CHR), University of Pretoria, to collaborate and coordinate with other training institutions and relevant stakeholders, including the African Institute of International Law (AIIL), the Judicial Institute for Africa (JIFA) University of Cape Town, human rights centres in different countries, African network of judicial trainers and national judicial training centres, the Office of the High Commissioner for Human Rights, among others, to develop tailor-made training courses for African judicial officers and lawyers in all the working languages of the African Union.

12. The Judicial Dialogue also *called* on the African Union Commission, in collaboration with the African Court, and in conformity to Executive Council Decision EX.CL/Dec.1153 (XL) of February 2022, to operationalise the African Judicial Network without delay.
13. **On the role and significance of regional and international human rights jurisprudence** - the Judicial Dialogue *encouraged* regional and international courts to play their role in developing international law and making it accessible through the setting up of electronic searchable database of all their decisions in all working languages of the African Union.
14. It further *urged* the African Court, and the various African national and regional courts, to continue fostering mutual exchanges of knowledge, experiences and best practices through regular judicial dialogues and other mechanisms.
15. **On the challenges faced by domestic courts and the opportunities in integrating human rights jurisprudence** - the Judicial Dialogue *encouraged* national courts to learn from each other and find innovative ways, where appropriate, of directly applying international human rights jurisprudence and norms.
16. **On the best practices in applying regional and international human rights standards:** the Judicial Dialogue *encouraged* Member States of the African Union to strengthen the rule of law by ensuring and safeguarding judicial independence.
17. Furthermore, the Judicial Dialogue *called* upon judicial officers at domestic level to apply international human rights norms in domestic courts, and national courts were particularly *encouraged* to apply customary international law standards and *jus cogen* norms in deciding cases before them.

18. **On strengthening cooperation and collaboration between regional and domestic courts:** the Judicial Dialogue *recommended* for the amendment of the Protocol establishing the African Court to allow superior courts from various African countries to seek advisory opinions before the African Court.
19. **On capacity building and professional development for judges and legal practitioners,** the Judicial Dialogue *urged* Member States to prioritise training of judges on human rights through the establishment of high-level training institutes, as well as allocating sufficient budget for continuous training of judges.
20. The Judicial Dialogue *recommended* the setting up of networks, along linguistic lines and legal traditions, for purposes of easy sharing of relevant human rights jurisprudence.
21. **On 20 years after the Maputo Protocol** - the Judicial Dialogue *called upon* the remaining eleven (11) African States that have not done so, to ratify the Maputo Protocol, and *encouraged* State Parties to domesticate and fully implement the Maputo Protocol.
22. The Dialogue also identified champions to help with the ratification of the Maputo Protocol in countries that have yet to ratify the instrument.
23. The Dialogue *urged* States to enforce all decisions of international courts, as well as domestic courts, dealing with women rights.
24. It also *urged* international and regional courts to regularly cite the Maputo Protocol, General Comments on its provisions and other soft law instruments, in their decisions relating to women's rights.
25. **On experience sharing on emerging jurisprudence from caselaw on justiciability of economic social cultural rights and the right to**

**development: Reflections on contemporary challenges and way forward**

- the Judicial Dialogue *strongly encouraged* international courts, including the African Court, to collaborate closely with national courts by providing them with information on the enforcement of economic, social and cultural rights.

26. It *urged* the African Court, national and regional courts, to continue fostering mutual exchanges of knowledge, experiences and best practices on economic, social and cultural rights.
27. The participants decided that the Seventh African Union Judicial Dialogue will be held in 2025 at a place and date to be determined.
28. The participants expressed their gratitude to H.E Abdelmajid Teboun, President of Algeria and the Government of the People's Democratic Republic of Algeria for the hospitality and the facilities extended to them to ensure the success of the Judicial Dialogue.
29. The participants thanked the African Court on Human and Peoples' Rights for organizing the Sixth African Union Judicial Dialogue, as well as the African Union Commission, the Office of the High Commissioner for Human Rights, the European Union and GIZ for their support.