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**ACTIVITY REPORT OF THE AFRICAN COURT ON HUMAN
AND PEOPLES' RIGHTS**

AFRICAN UNION		UNION AFRICAINE
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<p>AFRICAN COURT ON HUMAN AND PEOPLES' RIGHTS COUR AFRICAINE DES DROITS DE L'HOMME ET DES PEUPLES</p> <p>P.O Box 6274 Arusha, Tanzania, Tel: +255 27 2970 430 /431/432/433/434 Web site: www.african-court.org Email registrar@african-court.org</p>		

ACTIVITY REPORT OF THE AFRICAN COURT ON HUMAN AND PEOPLES' RIGHTS

1 JANUARY – 31 DECEMBER 2024

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I. INTRODUCTION

1. The African Court on Human and Peoples' Rights (the Court) was established in terms of Article 1 of the Protocol to the African Charter on Human and Peoples' Rights on the Establishment of an African Court on Human and Peoples' Rights (hereinafter referred to as the Protocol), adopted in June 1998, in Ouagadougou, Burkina Faso, by the Organization of African Unity (OAU). The Protocol entered into force on 25 January 2004.
2. The Court became operational in 2006 and is composed of eleven (11) Judges elected by the Executive Council of the African Union. The Seat of the Court is in Arusha, the United Republic of Tanzania.
3. Article 31 of the Protocol requires the Court to “...*submit to each regular session of the Assembly, a report on its work during the previous year. The report shall specify, in particular, the cases in which a State has not complied with the Court's judgment*”.
4. The present Report is submitted in conformity with the above-cited Article of the Protocol. The Report describes the activities undertaken by the Court from 1 January to 31 December 2024, in particular, the judicial, administrative and outreach activities, as well as measures taken to implement decisions of the Executive Council relating to the work of the Court.

II. STATUS OF RATIFICATION OF THE PROTOCOL AND THE DEPOSIT OF THE ARTICLE 34(6) DECLARATION, ACCEPTING THE JURISDICTION OF THE COURT TO RECEIVE CASES FROM INDIVIDUALS AND NON-GOVERNMENTAL ORGANIZATIONS (NGOS)

5. As at 31 December 2024, the Protocol had been ratified by thirty-four (34) Member States of the African Union, namely: Algeria, Benin, Burkina Faso, Burundi, Cameroon, Chad, Congo, Côte d'Ivoire, Comoros, Democratic Republic of Congo, Gabon, Gambia, Ghana, Guinea-Bissau, Kenya, Libya, Lesotho, Madagascar, Malawi, Mali, Mauritania, Mauritius, Mozambique, Niger, Nigeria, Rwanda, Sahrawi Arab Democratic Republic, Senegal, South Africa, Tanzania, Togo, Tunisia, Uganda and Zambia. **See Table 1.**
6. Of the thirty-four (34) State Parties to the Protocol, only eight (8) have deposited the Declaration required under Article 34(6) thereof, accepting the jurisdiction of the Court to receive cases directly from individuals and NGOs. These States are: Burkina Faso, Gambia, Ghana, Guinea-Bissau, Malawi, Mali, Niger and Tunisia. **See Table 2.**

7. Between 2016 and 2020, four (4) State Parties to the Protocol withdrew their Article 34(6) Declaration. These States are Rwanda (2016), Tanzania (2019), Benin (2020) and Côte d'Ivoire (2020).

Table 1: List of State Parties to the Protocol				
No.	Country	Date of Signature	Date of Ratification/ Accession	Date of deposit
1.	Algeria	13/07/1999	22/04/2003	03/06/2003
2.	Benin	09/06/1998	22/08/2014	22/08/2014
3.	Burkina Faso	09/06/1998	31/12/1998	23/02/1999
4.	Democratic Republic of Congo	09/09/1999	08/12/2020	08/12/2020
5.	Burundi	09/06/1998	02/04/2003	12/05/2003
6.	Cameroon	25/07/2006	17/08/2015	17/08/2015
7.	Chad	06/12/2004	27/01/2016	08/02/2016
8.	Congo	09/06/1998	10/08/2010	06/10/2010
9.	Cote d'Ivoire	09/06/1998	07/01/2003	21/03/2003
10.	Comoros	09/06/1998	23/12/2003	26/12/2003
11.	Gabon	09/06/1998	14/08/2000	29/06/2004
12.	The Gambia	09/06/1998	30/06/1999	15/10/1999
13.	Ghana	09/06/1998	25/08/2004	16/08/2005
14.	Guinea Bissau	09/06/1998	3/11/2021	3/11/2021
15.	Kenya	07/07/2003	04/02/2004	18/02/2005
16.	Libya	09/06/1998	19/11/2003	08/12/2003
17.	Lesotho	29/10/1999	28/10/2003	23/12/2003
18.	Madagascar	09/06/1998	12/10/2021	12/10/2021
19.	Malawi	09/06/1998	09/09/2008	09/10/2008
20.	Mali	09/06/1998	10/05/2000	20/06/2000
21.	Mauritania	22/03/1999	19/05/2005	14/12/2005
22.	Mauritius	09/06/1998	03/03/2003	24/03/2003
23.	Mozambique	23/05/2003	17/07/2004	20/07/2004
24.	Niger	09/06/1998	17/05/2004	26/06/2004
25.	Nigeria	09/06/2004	20/05/2004	09/06/2004
26.	Rwanda	09/06/1998	05/05/2003	06/05/2003

27.	Sahrawi Arab Democratic Republic	25/07/2010	27/11/2013	27/01/2014
28.	Senegal	09/06/1998	29/09/1998	30/10/1998
29.	South Africa	09/06/1999	03/07/2002	03/07/2002
30.	Tanzania	09/06/1998	07/02/2006	10/02/2006
31.	Togo	09/06/1998	23/06/2003	06/07/2003
32.	Tunisia	09/06/1998	21/08/2007	05/10/2007
33.	Uganda	01/02/2001	16/02/2001	06/06/2001
34.	Zambia	09/06/1998	28/12/2022	10/01/2023
# of Countries – 55		# of Signature – 52	# of Ratification – 34	# of Deposit – 34

Source: African Union Website.

Table 2: List of State Parties that have deposited the Article 34(6) Declaration			
No.	Country	Date of Signature	Date of deposit
1.	Burkina Faso	14/07/1998	28/07/1998
2.	Ghana	09/02/2011	10/03/2011
3.	Malawi	09/09/2008	09/10/2008
4.	Mali	05/02/2010	19/02/2010
5.	Tunisia	13/04/2017	29/05/2017
6.	The Gambia	23/10/ 2018	03/02/2020
7.	Niger	28/10/2021	28/10/2021
8.	Guinea Bissau	03/11/2021	03/11/2021
Source: African Union Website		Total	# Eight (8)

III. COMPOSITION OF THE COURT

8. During its 45th Ordinary Session held in Accra, Ghana, from 18 to 19 July 2024, the Executive Council of the African Union elected Hon. Justice Duncan GASWAGA, a national of the Republic of Uganda, as Judge of the Court, to replace Hon. Justice Ben Kioko, from the Republic of Kenya, who had served two terms as Judge of the Court. At its 74th Ordinary Session held from 2 to 27 September 2024 in Arusha, Tanzania, Hon. Justice Duncan GASWAGA took oath of office in accordance with Article 16 of the Protocol and Rule 2 of the Rules of Court (hereinafter referred to as the Rules).
9. The current composition of the Court is attached to the present Report as **Annex I**.

IV. ACTIVITIES UNDERTAKEN BY THE COURT

10. During the reporting period, the Court undertook several judicial as well as non-judicial activities.

A. Judicial Activities

11. The judicial activities undertaken by the Court related to, among others, opening of the judicial year, holding of sessions, the receipt and examination of cases filed before it, through, *inter alia*, case management, delivery of decisions (judgments, rulings and orders).
12. From 1 January to 31 December 2024, the Court received ten (10) new cases.
13. Since its operationalization in 2006, the Court has received a total of three-hundred and sixty-six (366) Applications in contentious matters and sixteen (16) Requests for Advisory Opinion. The Court has disposed of a total of two hundred and fifty-three (253) Applications and sixteen (16) Requests for Advisory Opinion, and has one hundred and thirteen (113) Applications pending before it.

i. Opening of the 2024 Judicial Year of the Court

14. The Opening of the 2024 Judicial Year of the Court was held on 12 February 2024 under the theme "*Enhancing the Justiciability of Economic, Social and Cultural Rights, with an emphasis on the Right to Education*". The event was held at the Seat of the Court in Arusha, United Republic of Tanzania, and officially opened by Hon. Lady Justice Imani D. Aboud, President of the Court. The event was graced by His Excellency President William Samoei Ruto, President of the Republic of Kenya, represented by Honourable Justin Muturi, The Attorney General of the Republic of Kenya, who was guest of honour and delivered the keynote address.
15. The Opening of the 2024 Judicial Year was attended by amongst others, AU Member States, AU human rights organs, other regional human rights courts, inter-governmental and non-state actors, and was an opportunity for the Court to engage with key stakeholders, to brainstorm, exchange and reflect on the work of the African Court.

ii. Sessions held

16. During the reporting period, the Court held four (4) Ordinary Sessions as follows:
 - i. 72nd Ordinary Session, from 12 February to 8 March 2024, in Arusha, Tanzania;
 - ii. 73rd Ordinary Session, from 3 to 28 June 2024, in Arusha, Tanzania;
 - iii. 74th Ordinary Session, from 2 to 27 September 2024, in Arusha, Tanzania; and
 - iv. 75th Ordinary Session, from 11 November to 6 December 2024, in Arusha, Tanzania.

iii. Case Management

17. During the period under review, the Court delivered forty-three (43) decisions as shown on Table 3 below:

Table 3 - Decisions rendered by the Court from January – December 2024

No.	Application No.	Applicant	Respondent State	Type of Decision
1.	001-2022	Misozi Charles Chanthunya	Republic of Malawi	Ruling on Provisional Measures
2.	017/2016	Deogratias Nicholas Jeshi	United Republic of Tanzania	Judgment
3.	030/2016	Romward William	United Republic of Tanzania	Judgment
4.	044/2016	John Mwita	United Republic of Tanzania	Judgment
5.	050/2016	Crosperry Gabriel and Another	United Republic of Tanzania	Judgment
6.	048/2016	Dominick Damian	United Republic of Tanzania	Judgment
7.	051/2016	Nzigiyimana Zabron	United Republic of Tanzania	Judgment
8.	023/2017 v.	Amadou Dembele and Others	Republic of Mali	Judgment
9.	031/2017	Kabalabala Kadumbangula and Another	United Republic of Tanzania	Judgment
10.	017/2019, 018/2019 et 019/2019	Goh Taudier and Others	Republic of Côte d'Ivoire	Judgment
11.	019/2018	CHR and Others	United Republic of Tanzania	Order reopening of pleadings
12.	020/2020	Houngue Éric Noudehouenou	Republic of Benin	Order reopening of pleadings
13.	014/2018	Ajaye Jogoo	United Republic of Tanzania	Order for Reopening Pleadings in

14.	015-2016	Habyalimana Augustino and Another	United Republic of Tanzania	Judgment
15.	021/2018	Boukary Waliss	Republic of Benin	Judgment
16.	017/2018	Dadu Sumano Kilagela	United Republic of Tanzania	Judgment
17.	016/2019	Lompo Bahanla	Burkina Faso	Ruling on Jurisdiction and admissibility
18.	009/2023	Safinaz Ben Ali and Lamy El-Jendoubi	Republic of Tunisia	Ruling on Jurisdiction and admissibility
19.	009/2024	Moulaye Baba Haïdara and others	Republic of Mali	Ruling on Jurisdiction and admissibility
20.	001/2018	Tembo Hussein	United Republic of Tanzania	order for reopening of pleadings
21.	008/2024	Hammadi Rahmani	Republic of Tunisia	Ruling on Provisional measures
22.	007/2024	Hasna Ben Slimane	Republic of Tunisia	Ruling on Provisional measures
23.	004/2023	Moahd Kheriji Ghannouch & others	Republic of Tunisia	Ruling on Provisional measures
24.	010-2024	Joseph Letuya and Others	Republic of Kenya	Ruling on Jurisdiction
25.	001/2022	Misozi Charles Chanthunya	Republic of Malawi	Order for reopening
26.	012/2018	Glory Cyriaque Houssou	Republic of Benin	Judgment
27.	015/2018	Kija Nestory Jinyamu	United Republic of Tanzania	Judgment
28.	023/2018	Rashidi Romani Nyerere	United Republic of Tanzania	Judgment
29.	024/2018	Gerald Koloso Kalonge	United Republic of Tanzania	Judgment
30.	027/2018	Lameck Bazil	United Republic of Tanzania	Judgment

31.	030/2018	Edison Simon Mwombeki	United Republic of Tanzania	Judgment
32.	029/2019	Moussa Doumbia	Republic of Côte d'Ivoire	Judgment
33.	037/2020	Harouna Dicko	Burkina Faso	Judgment
34.	016/2021	Samia Zorgati	Republic of Tunisia	Judgment
35.	001/2022	Misozi Charles Chanthunya	Republic of Malawi	Judgment
36.	007/2023	Republic Democratic of Congo	Republic of Rwanda	Order on request for expedited procedure
37.	008/2023	Flora Mustafa	Republic of Malawi	Ruling on provisional measures
38.	004/2023	Cheikh Mohamed Cherif Kone et Dramane Diarra	Republic of Mali	Ruling on provisional measures
39.	009/2024	Moulaye Baba Haïdara et deux autres	Republic du Mali	Ruling on Provisional Measures
40.	006/2012	African Commission on Human and Peoples' Rights	Republic of Kenya	Order on Adjournement
41.	010/2024	Joseph Letuya and others	Republic of Kenya	Ruling (Jurisdiction)
42.	001/2013	Urban Mkandawire	Republic of Malawi	Judgment (Review)
43.	001/2013	Urban Mkandawire	Republic of Malawi	Judgment (Interpretation)

iv. Public Sitzings

18. From 1 January to 31 December 2024, the Court organized five (5) public sittings to mark the official opening of the judicial year, hold public hearings and deliver judgments, orders, and rulings.

v. Non-compliance with the decisions of the Court

19. Under Article 31 of the Protocol, in submitting its Activity Report, the Court “...shall specify, in particular, the cases in which a State has not complied with the Court’s judgment”. **Annex II** of the present Report indicates the cases in which States have not complied with the Court’s decisions, after the deadline set by the Court.
20. In conformity with Rule 81 (3) of its Rules, the Court organised a compliance hearing in the matter of Application 006/2012 – African Commission on Human and Peoples’ Rights v. the Republic of Kenya. During the hearing, the Respondent State informed the Court that it had not complied with the judgment, and requested additional time of three (3) months within which to submit its compliance report. The Court adjourned the hearing and ordered the Respondent State to file its compliance report within three months from 12 November 2024.

vi. Legal Aid Programme

21. The Court administers a Legal Aid Scheme which seeks to provide legal assistance to indigent applicants, with the aim of enhancing access to justice. In 2024, the Court reviewed a total of seven (7) applications¹ in order to determine whether they required legal assistance. The Court granted legal aid in two (2) Applications namely: *Application 003/2024 Flywell Chikulukutu Banda v. Republic of Malawi* and *Application 025/2017 Iddi Amani v United Republic of Tanzania*, while decisions on the other five (5) were deferred.
22. During the same period, the Court considered eighteen (18) applications from counsel who sought to be registered on the Court’s Roster to provide *pro bono* legal aid services under the Courts Legal Aid Scheme. The applications were submitted by one (1) female and seventeen (17) male applicants, from: Mauritania, Kenya, Burundi, Congo, Cameroon, Zambia, Tanzania, Ghana, Liberia, Nigeria, Burkina Faso, Malawi, Nigeria and the United Kingdom. The Court approved sixteen (16) applications for registration, which fulfilled the criteria for counsel to be listed on the Court’s Roster as provided for in the Court’ Legal Aid Policy. Two (2) applications were rejected as the applicants did not possess the required minimum five years of professional experience.

B. Non-judicial activities

23. The main non-judicial activities undertaken by the Court are described below.

1. ¹ Application 003/2024 Flywell Chikulukutu Banda v. Republic of Malawi
2. Application No. xxx/2024 Domingos Simões Pereira v. Republic of Guinea Bissau
3. Application .../ 2024 Abdennabi Mabrouk v. Republic of Tunisia
4. Application No. 045/2020 Bashiru Rashid Omar v. United Republic of Tanzania
5. Application No. 021/2020 Sudy Mshana Alias Kasala v. United Republic of Tanzania
6. Application 001/2019 Vuyo Jack v. United Republic of Tanzania
7. Application 025/2017 Iddi Amani v. United Republic of Tanzania

i. Participation in AU Summits

24. The Court took part in the 47th and 48th Ordinary Sessions of the Permanent Representatives Committee (PRC), the 44th and 45th Ordinary Sessions of the Executive Council, the 37th Assembly of Heads of State and Government of the African Union. The Court also took part in the 6th Mid-Term Coordination Meeting.

ii. Implementation of Executive Council Decisions

25. During its 41st Ordinary Session, held from 14 to 15 July 2022 in Lusaka, Zambia, the Executive Council adopted Decision **EX.CL/Dec. 1177(XLI)**, paragraph 6 which provided as follows:

6. REQUESTS *the Commission and the AfCHPR, within the framework of the ongoing institutional reform, to propose new entitlements and benefits for the Judges of the AfCHPR.*

26. During its 70th Ordinary Session held in September 2023, the Court considered paragraph 6 of Executive Council Decision EX.CL/Dec. 1177(XLI), and formulated its responses thereto, and the same was transmitted to the Cabinet of the Deputy Chairperson of the AUC. The proposal, to a very large extent, is to the effect that the benefits of Judges of the African Court, should, at least for the time being, remain unchanged.

27. During its 44th Ordinary Session, held from 14 to 15 January 2024 in Addis Ababa, Ethiopia, the Executive Council adopted Decision **EX.CL/Dec.1245(XLIV)**, paragraphs 10 and 11 thereof provided as follows:

10. RECALLS *the recommendations made by the PRC during the Joint retreat between the PRC and the Court, held from 10 to 11 March 2022, Arusha, United Republic of Tanzania, requesting the Court, in collaboration with the AUC and relevant sub-committees of the PRC, to develop key performance indicators and targets regarding the protection of human rights on the continent for the next ten years of the Implementation of Agenda 2063, and to consider submitting, in accordance with the provisions of the Protocol, an amendment to Article 34(6) of the Protocol.*

11. CALLS *on the Commission, in collaboration with the Court and other relevant AU Organs and Institutions, to undertake a study on the state of compliance with decisions of AU human rights bodies, including in particular, the reasons for the low level of compliance, and make concrete recommendations to the Executive Council, on how to enhance Member States' compliance with such decisions.*

28. With respect to the implementation of paragraph 10 of the Decision, the Court has been working with the relevant Departments of the AUC and relevant AU Organs to develop key performance indicators and targets on

human rights for the next ten years of the Implementation of Agenda 2063. It is envisaged that these indicators, when adopted, will facilitate in mainstreaming human rights into Agenda 2063.

29. With respect to the amendment of Article 34(6) of the Protocol, the Court notes that the proposal to amend Article 34(6) of the Court's Protocol already forms part of the recommendation made by Deloitte and Touche, within the framework of the Institutional Reform currently being considered by the policy organs. The Court simply wishes to reiterate the importance of repealing Article 34(6) of the Protocol in advancing the protection of human rights on the continent.
30. With respect to **Paragraph 11** of the Executive Council Decision, the Court wishes to note that due to resource constraints it was unable to engage independent consultants to undertake the study.

iii. Execution of the 2024 budget

31. The budget appropriated to the Court for 2024 stood at US\$11,656,013, comprising \$10,999,673 [94 %] from Members States and \$656,340 [6 %] from International Partners. The total budget execution as at 31 December 2024 was \$11,372,242, which represents a budget execution rate of 97.6 %. As at 31 December 2024, the Court had received subvention for the year 2024 (for 4 quarters) amounting to US\$ 10,875,106 from Members States.

iv. Capacity development and promotional activities

32. The Court undertook several capacity development and promotional activities, aimed at enhancing staff capacity and raising awareness among stakeholders, about its existence and activities. The activities undertaken included, *inter alia*, staff trainings, sensitization visits and dialogue with other regional courts, as well as meetings organized by other key stakeholders.

a. Staff Capacity development

33. The Court organized the following activities, aimed at, among other things, developing staff capacity.

List of capacity development activities undertaken by the Court in 2024

No.	Activity	Date	Venue	Objectives	Results
1.	Intersection between International Humanitarian Law and International Human Rights Law	20-22 March 2024	Moshi, Tanzania	Enhance knowledge of legal staff in these two branches of international law to enable them	Staff acquired knowledge on the key elements between the two branches of the law.

				deal with cases before the Court	
2.	Trados and Document control Training for Language Staff	1-3 May 2024	Moshi, Tanzania	Empower staff with proficient skills in utilizing Trados translation software, enabling them to conduct fast and accurate translations and effectively utilize Trados translation software	Improved productivity and meeting tight deadlines in the translation of documents.
3.	Electronic Court Records Management	6-10 May 2024	Dar-es-Salaam, Tanzania	Enhance knowledge and practical skills of Court Clerks in applying electronic management approaches to perform their Registry duties efficiently and effectively	Improvement in electronic record keeping at the Registry for both incoming and outgoing correspondence s
4.	Electronic Records Management and Document Control documentation	7 to 11 October 2024	Dar es Salaam, Tanzania	To familiarize staff with modern document management systems and technologies such as electronic document storage, workflow automation, and collaboration tools to improve efficiency and reduce reliance on paper-based processes	Improvement in the efficiency of the court operations and improve management of information within the African Court. Lesser use of paper.
5.	Advanced Financial	5-9 August 2024	Johannes burg,	To provide opportunity to the participants to understand	Better handling of Court accounts in line with the

	Accounting and Reporting		South Africa	deeply international Accounting and reporting standards	Internationally recognized accounting and reporting practices.
6.	Strategic Human Resource Management and Business Partnering	12-16 August 2024	Johannesburg, South Africa	To improve knowledge and skills of HR staff in the field of Business Partnering, building relationships along the Business Partner model and build capacity in Conflict Resolution and Change Management.	Alignment between business priorities, people management and HR strategy and practices.
7.	Inventory & Stock Control Management Course	14-18 October 2024	Dares Salaam, Tanzania	To Improve the management of inventories from receiving products to storage and delivering	Improvement in the management of Court stores and assets
8.	Supply Chain Operations Reference	21-25 October 2024	Johannesburg, South Africa	Learn techniques for managing and measuring the performance of a global supply chain utilizing the Supply Chain Operations Reference (SCOR) model	Improved service delivery of Court's Materials Management activities
9.	Speech writing course	28-30 October 2024	Arusha, Tanzania	Enhance capacity of staff and all legal officers who work with Judges to draft or write	Improvement in style and quality of speeches

				official documents for the President and Judges of the Court	
10	In-house Training on editing and formatting of documents	31 October 2024	Arusha, Tanzania	Enhanced capacity of staff involved in drafting and editing Court documents that are required to be translated into various AU working languages	Improvement in quality of documents
11	Peer to Peer Exchange Visit to ECOWAS Community Court of justice	22-26 April 2024	Abuja, Lagos	Fostering collaboration and sharing experiences and best practices in the field of justice and Human rights protection in Africa.	Strengthening cooperation between African Court and ECOWAS Court by developing joint activities, exchanging experiences and exchanging staff.
12	Induction /orientation Training for new staff	10 May 2024	Arusha, Tanzania	Facilitating integration into the Court and adapting to the duty post of newly recruited staff member.	New staff acquired knowledge of how the Court operates across all Units and integrated into the system
13	French Language courses for Staff	Ongoing	Online	Empower staff to understand and work with more African Union languages	Improvement in communication in the French language
14	French and English	Ongoing	Online	Empower staff to understand and work with more	Improvement in communication

	Language courses for Hon Judges			African Union languages	in more languages
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b. Sensitisation visits

34. During the period under consideration, the Court undertook sensitization visits to the Republic of Liberia and the United Republic of Tanzania.

(i). Sensitisation visit to the Republic of Liberia

35. From 15-17 May 2024, the Court undertook a visit to the Republic of Liberia, to engage with the State about the work of the Court in general, and to encourage it to ratify the Protocol and deposit the Article 34(6) Declaration.
36. The delegation of the Court, led by its President, met and held fruitful discussions with high-ranking government officials from the Government of Liberia, including among others, H. E. Jeremiah Kpan Koung, the Vice President of Liberia, the Acting Minister of Foreign Affairs, Jeddi Mowbray Armah, the Speaker of the House of Representatives, Fonati Koffah, the President Pro Tempore, Senate of Liberia, Nyonblee Karnga-Lawrence and the Chief Justice of Liberia, Sie A-Nyene G Yuoh.
37. The Liberian authorities undertook to consider the requests made by the Court. Specifically, they undertook to initiate national conversations towards the ratification of the Court's Protocol and the depositing of the Declaration under Article 34(6), to permit direct access to the Court by individuals and Non-Governmental Organisations.

(ii) Sensitisation visit to the United Republic of Tanzania

38. From 4 to 6 December 2024, the Court undertook a visit to the United Republic of Tanzania, to engage with the State about the work of the Court in general, and to encourage it to re-deposit the Article 34(6) Declaration.
39. The delegation of the Court, led by its President, met and held fruitful discussions with high-ranking government officials, including among others, the Minister of Foreign Affairs and East African Cooperation, the Minister of Constitutional and Legal Affairs, the Speaker of the National Assembly and the President of the Human Rights Commission.
40. The authorities undertook to engage with relevant authorities for further consultations on re-depositing of the Declaration under Article 34(6).

C. Other outreach and networking initiatives

i. Engagement with other stakeholders

41. The Court undertook several activities, aimed at, among other things, raising awareness among stakeholders, about its existence and activities in line with its objectives in the Strategic Plan for the period 2021-2025. To this end, the President, Judges and staff members of the Court were engaged in a number of outreach activities organised by other relevant stakeholders, aimed at enhancing the visibility of the Court. These activities, included the following:

Date	Activity	Venue	Organizer	Objectives
19 Jan 2024	Opening of the 2024 Judicial Year of the "ICC", "Court" and to the ICC's 6th Judicial Seminar.	The Hague, Netherlands	International Criminal Court	To explore the interdependent nature of international law and the crucial role of judicial institutions in upholding the rule of law at international level, ensuring accountability and justice for victims, as well as deterring future violations. To Reflect a spirit of solidarity between the various judicial institutions created within multilateral structures.
25-27 April 2024	Joint forum of the Special Mechanism of the Banjul Commission	Dakar Senegal	African Commission	To foster an exchange of experience, promoting partnerships that bridge the gap between aspirations and realities on the ground
8-9 May 2024	'High-Level Roundtable'	Johannesburg South Africa	The Institute for Integrated Transitions (IFIT)	To discuss the draft Global guidelines for the appointment of Apex Court Judges
12-14 May 2024	J20 - Summit of the Supreme Courts and Constitutional Courts of the G20 countries	Rio de Janeiro, Brazil	Federal Supreme Court of Brazil	To discuss key challenges encountered by the Courts of J20 Members States in their efforts to enhance proximity to citizens and ensure comprehensive legal and constitutional protection for all.
7-9 June 2024	Nuremberg and the FAU Human rights Talks 2024	Nuremberg, Germany	Friedrich Alexander University (FAU)	Discussions/ exchange on regional human rights practices
8-10 July 2024	2024 ICON-S Annual Conference on the Future of Public Law: Resilience, Sustainability and Artificial Intelligence	Madrid Spain	IE University Law School	To examine Challenges facing international human rights courts
22-27 July 2024	33 rd Christof Heyns African human rights Moot Court competition	Kigali, Rwanda	University of Pretoria and School of Law of Rwanda	To participate in the final round of the 33 rd Christof Heyns African Human Rights Moot Court Competition
17-18 Sep 2024	All Africa Judges and Jurists Summit	Nairobi, Kenya	All Africa Judges and Jurists Forum (AJJF)	To evaluate and discuss means of strengthening the role of judiciaries in implementing Aspiration No.3 of the

				AU Agenda 2063 on “An Africa of Good Governance, Democracy, Respect for Human Rights, Justice and the Rule of Law.”
22-23 Oct 2024	The Joint Colloquium on Realizing Economic, Social and Cultural Rights in Africa	Banjul The Gambia	African Commission	To assess the progress and challenges in realizing Economic, Social and Cultural rights (ESCR) in Africa
23-24 Oct 2024	Rule of law Forum, 2 nd edition	Doha Qatar	Hamad Bin Khalifa University	To highlight and discuss current dynamics and happenings within the scope of the rule of law in the Middle East and North Africa.
30 Oct to 3 Nov 2024	Victoria Falls Zimbabwe	7 th Congress of the Constitutional Court	Constitutional Court of Zimbabwe	To contribute to the initiatives that aims to strengthen the role of constitutional courts and other constitutional bodies in protecting human rights.
17-19 Nov 2024	Lecture at the Institute for Interregional Study of constitutionalism Charles University	Doha, Qatar	Institute for Interregional Study of constitutionalism Charles University	To provide an insight into the functioning and jurisprudence of the African Court
19-21 Nov 2024	Nairobi, Kenya	Training on Artificial Intelligence and the Rule of law for African Judicial operators	UNESCO Regional Office for Eastern Africa	To provide the African Judges access to knowledge and tools necessary to understand and consider the benefits of Artificial Intelligence
20-24 Nov 2024	Lucknow, India	25 th International Conference of Chief Justices of the Word	City Montessori Scholl society	To contribute meaningfully to the ongoing discussions on UN reform and to advocate for a future where unity, peace, justice and democracy prevail on the international stage.
27-30 Nov. 2024	Kampala, Uganda	East Africa Law Society Annual Conference	East African Law Society	To discuss and develop concrete measures to ensure the effective implementation of decisions of human rights treaty bodies on the continent.
18-20 Sept 2024	Tripartite Dialogue with the East African Court of justice and ECOWAS Court of justice	Arusha, Tanzania	Biennially dialogue between continental and regional courts in Africa to strengthen cooperation among these Courts and with the United Nations human rights mechanisms	Significance of the three Courts' capacity to contribute jointly toward the advancement of human rights in Africa, which may in turn deepen and consolidate the rule of law, peace, security and development across the continent

ii. Relations with the African Commission on Human and Peoples' Rights

42. The Court and the African Commission continued to strengthen their relationship and consolidate the complementarity envisaged under the Protocol. The Court participated in the opening ceremony of the 79th and 81st Ordinary Sessions of the African Commission. These meetings contributed in strengthening the relationship between the two organs.

iii. Relations with African Governance Architecture Platform Members

43. The Court worked closely with members of the African Governance Architecture (AGA) Platform and participated in technical and statutory meetings and other events organized by the Platform.
44. On 29 and 30 January 2024, the Registry of the Court participated in the virtual meeting for the evaluation of the Implementation of 2021-2023 AGA Project.
45. The Registry also participated in the technical and political meetings held respectively from 12 to 13 January 2024 and on 16 to 17 July 2024. These meetings discussed the performance of different AGA platform members in the implementation of the project. These meeting were followed by another meeting aimed at consolidating and finalising the draft programme for the 2025-2029 AGA project. This was held from 21 to 22 November 2024.
46. The Court continued to work with relevant stakeholders, including external partners, for the continuation of the AGA-SP programme. In this regard, the Court took part in the end of technical assistance of the project meeting held in Nairobi, Kenya on 22 and 23 May 2024.

iv. Dialogue with Sub-Regional Courts

47. The Court continued to promote strong relations with sub-regional courts on the continent. The Second Tripartite Judicial Dialogue between the African Court on Human and Peoples' Rights, the ECOWAS Community Court of Justice and the East African Court of Justice took place from 18 to 20 September 2024 in Arusha, United Republic of Tanzania. The Dialogue was attended by Judges from the three Courts as well as other relevant human rights stakeholders on the continent.
48. The biennial Dialogue was aimed at reinforcing the relationship between Continental and Regional Economic Community Courts in the protection of human and people's rights on the continent.
49. The Conclusions of the Second Tripartite Judicial Dialogue are here attached as **Annex III**.

v. Relations with Partners

50. The Court continued to benefit from the support of its traditional partners, the UN Office of the High Commissioner for Human Rights, (OHCHR), the European Union (EU) and the German International Cooperation Agency GMZ (GIZ). These partners supported the outreach activities of the Court, including sensitization visits, dialogues with national, sub-regional and international courts, and institutional capacity development.

vi. Host Agreement and relations with the Host State

51. The Court continued to work with the Host State, the United Republic of Tanzania, to effectively implement the Host Agreement. It intensified its engagement with authorities of the Host State in 2024, to, among other things, encourage Tanzania to consider redepositing the Article 34(6) Declaration, as well as the construction of the permanent premises of the Court. To this end, the President of the Court met and held fruitful discussions with the Hon. Solicitor General of Tanzania on 8 November 2024, and from 4 to 6 December 2024, the Court undertook a sensitization visit to Tanzania to engage with government authorities of the need to redeposit the Article 34(6) Declaration.
52. Significant progress has been made in the construction of the permanent premises of the Court. In June 2024, a joint delegation from the Parliamentary Standing Committee on Foreign Affairs, Defence and Security, which exercises parliamentary oversight on the construction of premises, and the Ministry of Foreign Affairs and East African Cooperation, visited the Court, and further visited and took stock of progress in the construction of the premises.

V. ASSESSMENT AND RECOMMENDATIONS

A. Assessment

53. The establishment of the African Court in 1998, following the adoption of the Protocol, ushered in a sense of hope and heightened expectation in the African human rights landscape. In less than two decades since its operationalization in 2006, the Court has demonstrated that it can be a viable tool in facilitating socio-economic and political development on the continent. The jurisprudence of the Court reflects the diverse issues which impact the daily lives of Africans, ranging from the right to property, the protection of indigenous communities, the environment; and especially the fight against pollution and the dumping of toxic waste in Africa, right to education, and in particular, guaranteeing, effective access to schools; elections, and particularly, ensuring the independence of electoral bodies; protecting the rights of independent candidates as well as guaranteeing transparent, inclusive and participatory legislative processes to change electoral frameworks; freedom of expression and especially the protection of journalists; the right to fair trial and in particular ensuring free legal assistance for indigene applicants; the right to dignity and in particular the

prohibition of corporal punishment, and the protection against harmful social and cultural practices, particularly the prohibition of child and forced marriages.

54. Through its jurisprudence, the Court has demonstrated that human rights, peace and development are not only intertwined, but mutually reinforcing, a position recognised by the UN as far back as 2005, that “... *development, security and human rights are not only ends in themselves - they reinforce each other, and depend on each other. In our interconnected world, the human family will not enjoy development without security, it will not enjoy security without development, and it will not enjoy either without respect for human rights...*”
55. The above successes notwithstanding, there is still a lot to be done if the huge expectation that accompanied the establishment of the Court is to be realised. Several challenges stand in the way of the Court to effectively discharge its mandate and realise its vision, that is, an Africa with a viable human rights culture.
56. To date, only 34 of the 55 Member States of the African Union have ratified the Protocol. Of the 34 State Parties, only 8 have deposited the Declaration under Article 34(6) of the Protocol. Even more, of the over 259 decisions adopted by the Court since its establishment, less than 10% have been fully implemented. Other challenges include the inadequate resources allocated to the Court to effectively undertake its work, and the sheer lack of awareness about the existence of the Court and how to access it.
57. In spite of these challenges, the Court recognises the significant efforts Member States have made and continue to make to enhance the protection of human rights generally, and support the work of the Court in particular. The Court welcomes the improvement in the relationship with human rights stakeholders, especially Member States. To this end, the Court appreciates the frank discussions it had with authorities from the Republic of Liberia and the United Republic of Tanzania, during the sensitization visits to these countries.
58. The Court notes with appreciation that twenty-four (24) Member States have responded favourably to the Executive Council’s Decision for the appointment of National Focal Points to work with the Court. The States are Algeria, Benin, Botswana, Burkina Faso, Burundi, Cameroon, Cape Verde, Central African Republic, Comoros, Democratic Republic of Congo, Ghana, Lesotho, Liberia, Madagascar, Malawi, Mauritius, Mauritania, Mozambique, Nigeria, Uganda, Senegal, South Africa, Tanzania, Zimbabwe. These focal points have been helpful in facilitating communication between the Court and Member States. It is important that those States that have not already done so, to take steps to appoint their focal points.
59. The Court continued with its judicial diplomacy, to engage with Member States, to explain its mandate and solicit cooperation in the discharge of its

mandate. The Court holds the view that Member States have the primary responsibility for the promotion and protection of human rights, and the Court was established by States to complement their efforts in this regard.

60. The Court has also sought cooperation with other sub-regional courts with a view to benchmarking, share experiences and best practices in the area of case management, use of Information Technology and general administration of justice. To this end, Staff members of the Court had a one-week peer-to-peer exchange with their counterparts of the ECOWAS Community Court of Justice.
61. Next year, the Court will commemorate 20 years since it became operational. It will be an opportunity to take stock of the work of the Court, but more importantly, for all human rights stakeholders on the continent, to brainstorm on the future of the Court in the ever-evolving socio-economic and political African landscape. It will be an occasion for all human rights stakeholders working in the promotion and protection of human and peoples' rights in Africa, to make concrete contributions towards the achievement, not only of the African we want, but also, of the African Court we want.

B. Recommendations

62. Based on the foregoing, the Court submits the following recommendations for consideration and adoption by the Executive Council:
 - i. The twenty-one (21) Member States of the African Union that have not yet acceded to the Protocol should do so, to ensure full recognition of the African Court's jurisdiction by all fifty-five (55) AU Member States;
 - ii. The twenty-six (26) State Parties to the Protocol that have not yet deposited the Declaration under Article 34(6) should do so;
 - iii. The four (4) State Parties to the Protocol that withdrew their Article 34(6) Declaration should reconsider their decision and redeposit the Declaration;
 - iv. The Chairperson of the AUC should take all necessary measures to operationalise the Legal Aid Fund for African Union Human Rights Organs;
 - v. Member States and other relevant human rights stakeholders on the continent should make generous voluntary contributions to the Legal Aid Fund to ensure its sustainability and success;
 - vi. Member States of the African Union should cooperate with the Court and comply with its decisions;
 - vii. Member States and relevant human rights stakeholders should work with the African Court to ensure an effective commemoration of the 20th Anniversary of the operationalisation of the Court, including making concrete contributions, on how to strengthen the Court, and make it fit for purpose within the ongoing socio-economic and political developments on the continent.

ANNEX I

**LIST OF JUDGES OF THE AFRICAN COURT ON HUMAN AND PEOPLES'
RIGHTS AS AT DECEMBER 31 2024**

No.	Name	Term		Country
		Duration	Expiry	
1.	Lady Justice Imani D. Aboud	6	2027	Tanzania
2.	Justice Modibo Sacko	6	2027	Mali
3.	Justice Rafaâ Ben Achour	6	2027	Tunisia
4.	Lady Justice Ntyam Ondo Mengue	6	2028	Cameroon
5.	Lady Justice Tujilane Rose Chizumila	6	2029	Malawi
6.	Lady Justice Chafika Bensaoula	6	2029	Algeria
7.	Justice Blaise Tchikaya	6	2030	Congo
8.	Lady Justice Stella I. Anukam	6	2030	Nigeria
9.	Justice Dumisa Ntsebeza	6	2027	South Africa
10.	Justice Dennis D. Adjei	6	2028	Ghana
11.	Justice Duncan Gaswaga	6	2030	Uganda

ANNEX II

REPORT ON NON-COMPLIANCE WITH THE DECISIONS OF THE COURT. (See attachment)

ANNEX III

FINAL COMMUNIQUE OF THE 2ND TRIPARTITE JUDICIAL DIALOGUE BETWEEN THE AFRICAN COURT ON HUMAN AND PEOPLES' RIGHTS, THE ECOWAS COMMUNITY COURT OF JUSTICE AND THE EAST AFRICAN COURT OF JUSTICE. (See attachment)

AFRICAN UNION		AFRICAN UNION
الاتحاد الأفريقي		UNIÃO AFRICANA
<p>AFRICAN COURT ON HUMAN AND PEOPLE' RIGHTS COUR AFRICAINE DES DROITS DE L'HOMME ET DES PEUPLES</p> <p>P.O. Box 6274 Arusha, Tanzania Telephone: +255 732 979506/9; Fax: 255 732 979503 Website: www.african-court.org/Email: registrar@african-court.org</p>		

ANNEX II

STATUS REPORT ON IMPLEMENTATION OF DECISIONS DELIVERED BY THE AFRICAN COURT 2024

STATUS AS AT 31 DECEMBER 2024

I. EXECUTIVE SUMMARY

1. **GOAL:** The purpose of this report is to provide information on the status of implementation of the decisions delivered by the African Court on Human and Peoples' Rights (hereinafter referred to as "the African Court" or "the Court"), as of 31 December 2024. The report is prepared in compliance with Article 31 of the Protocol to the African Charter on Human and Peoples' Rights on the Establishment of an African Court of Human and Peoples' Rights (hereinafter referred to as "the Protocol"), which obliges the Court to "submit a report on its work during the previous year" and "specify, in particular, the cases in which a State has not complied with the Court's judgment".
2. **CONTEXT:** Since its establishment in 2006, the African Court has delivered more than four hundred (+400) decisions to protect fundamental human and peoples' rights. Through several landmark decisions (including judgments, orders and advisory opinions), the African Court has profoundly shaped the continent's relationship with, among others:
 - i. The protection of indigenous communities.
 - ii. The environment, and especially the fight against pollution and the dumping of toxic waste in Africa.
 - iii. Education, and in particular guaranteeing effective access to schools.
 - iv. Elections, and particularly ensuring the independence of electoral bodies, protecting the rights of independent candidates as well as guaranteeing transparent, inclusive and participatory legislative processes to change electoral frameworks.
 - v. The right to equality before the law, equal protection of the law, and non-discrimination including gender-based discrimination in relation to women's rights.
 - vi. Peaceful changes to the constitution.
 - vii. The freedom of expression and especially the protection of political speech.
 - viii. The right to a fair trial and in particular ensuring effective free legal assistance for the poor and the necessary guarantees for independent and impartial judiciaries.
 - ix. The right to dignity and in particular the prohibition of corporal punishment.
 - x. The right to life in light of the mandatory imposition of the death penalty.
 - xi. The protection against harmful social and cultural practices, particularly the prohibition of child and forced marriages.
3. **RATIONALE:** For the African Court to have a positive impact on the lives of African citizens it is essential that its decisions are implemented, otherwise justice for human rights victims is simply suspended until the violations are actually remedied. The issue of implementation has been consistently underscored as a principal concern. The systemic non-implementation or partial implementation of the African Court's decisions erodes the confidence by African peoples in the commitments and human rights credentials of the State Parties to the Protocol. It also undermines the credibility in the effectiveness and added value of the African Court to the international human rights system.
4. **KEY NUMBERS:** As of the date of reporting:
 - i. 16 requests for advisory opinions have been registered of which 15 have been finalised and 1 is pending. These are applications in which the African Court was requested to *provide guidance on legal questions* relating to human rights.

- ii. 351 contentious cases have been registered.² These are applications in which the African Court was requested to *resolve disputes* relating to human rights violations.
- iii. 251 contentious applications³ were *finalised* against 21 AU Member States.⁴
- iv. 116 contentious applications are *pending* against 12 AU Member States.
- v. In 89 cases violations were found against 10 AU Member States.
- vi. 2 cases have been *fully implemented* by 1 AU Member State (Burkina Faso).⁵
- vii. **87 cases against 9 AU Member States are pending full implementation.**⁶

² The Court *receives* many more cases against AU Member States. However, since 2013 the Court has decided not to *register* cases any more that are filed against AU member states for which the Court manifestly has no jurisdiction to deal with those cases, principally because those AU member states have either not ratified the Protocol or deposited the Declaration to grant individuals and NGOs direct access to the Court.

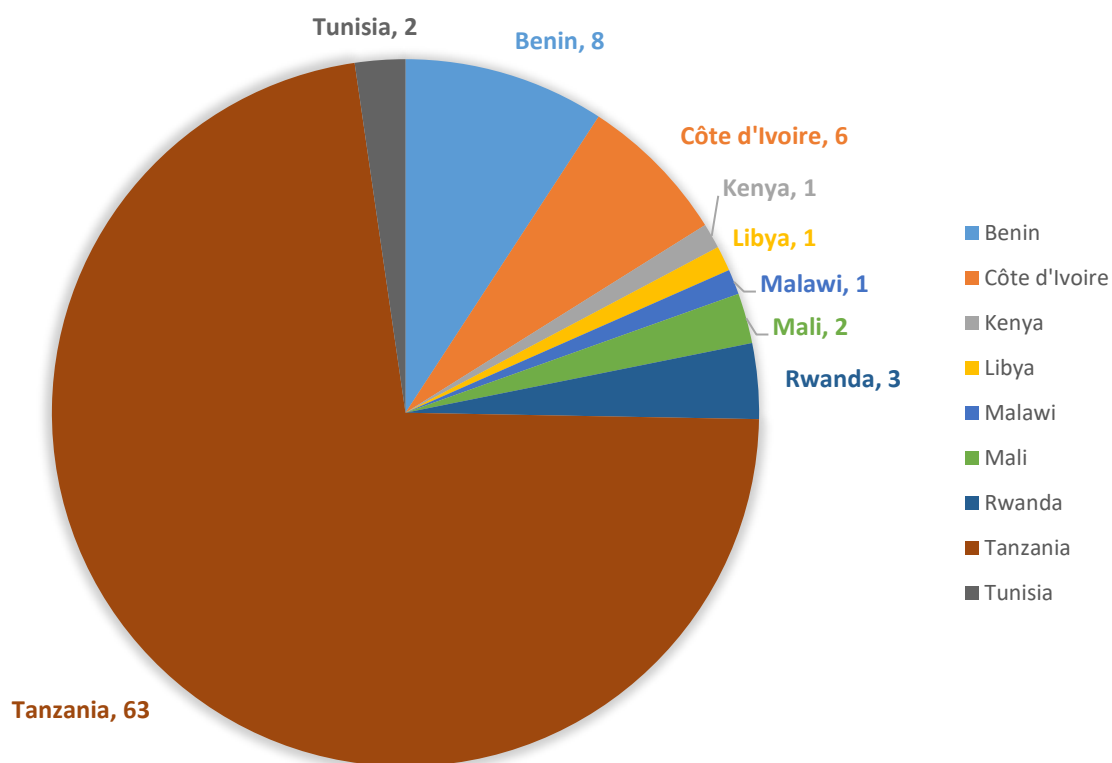
³ “Applications” can either mean an application to start a new contentious case or an application to review or interpret a judgment in existing contentious case. Some applications can also involve several respondent states, these are counted separately.

⁴ Additionally, five (5) cases were finalised against entities that are not states: the African Union (2 cases), the Pan-African Parliament (1 case), the African Commission on Human and Peoples’ Rights (1 case) and the Inter-African Conference on Insurance Markets (CIMA) (1 case). These cases were declared inadmissible.

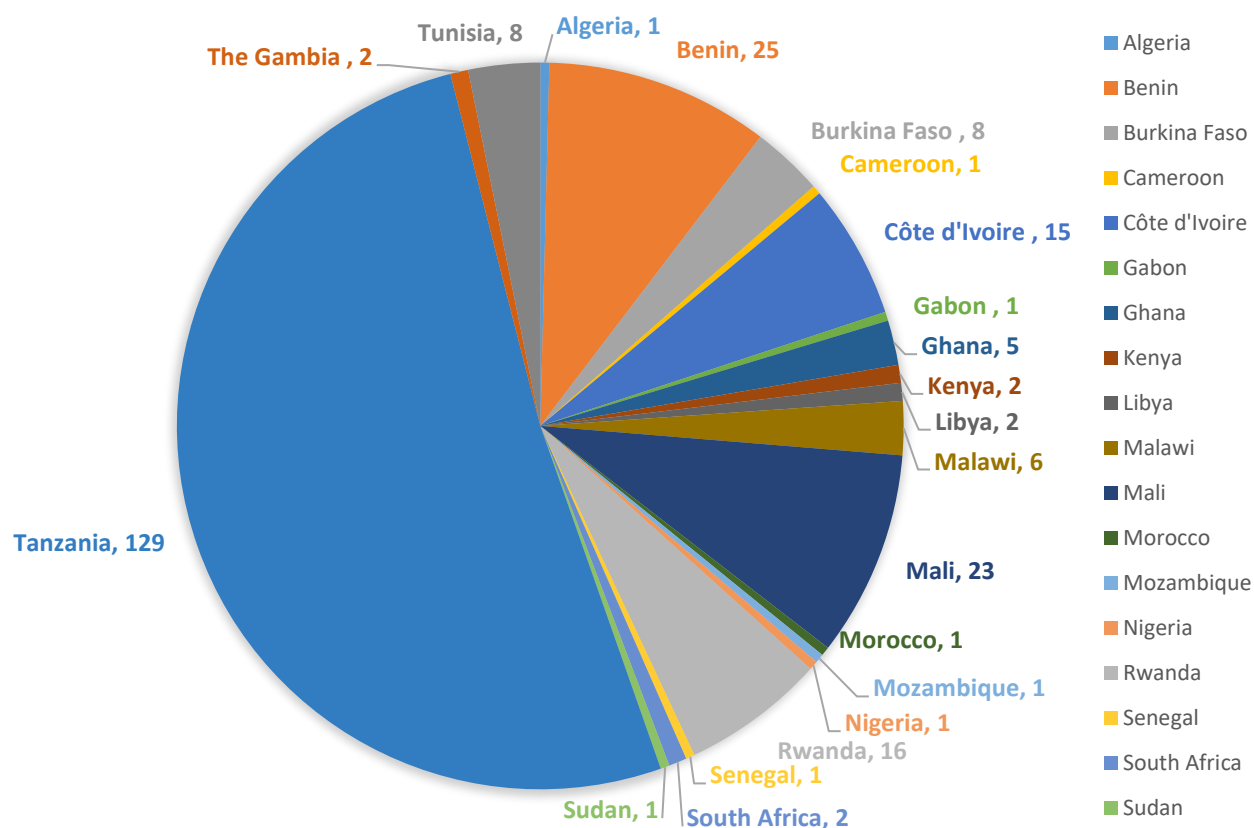
⁵ The implementation of the decisions in Applications [013/2011](#) and [004/2013](#) included: promulgation of Law Number 057-2015/CNT and Law Number 058-2015 CNT of 4 September 2015 on the Legal Regime governing Print Media in Burkina Faso with regard to the decriminalisation of defamation, as ordered by the African Court; motion filed by the Prosecutor General with the Examining Magistrate seeking to reopen proceedings in the respective case, which was granted and led to the arrest of three people as suspects to the murder of respective human rights victims; criminal records have been expunged of the respective human rights victim; the African Court’s judgments were published in the official gazette and in one of the daily newspapers; summary of the African Court’s judgments had been published on the State’s official website; compensation paid to the respective human rights victims in the sum of CFA Franc 268,243,409.

⁶ This report only covers judgments in which violations were found and which are pending full implementation. Rulings on provisional measures are not included in this report.

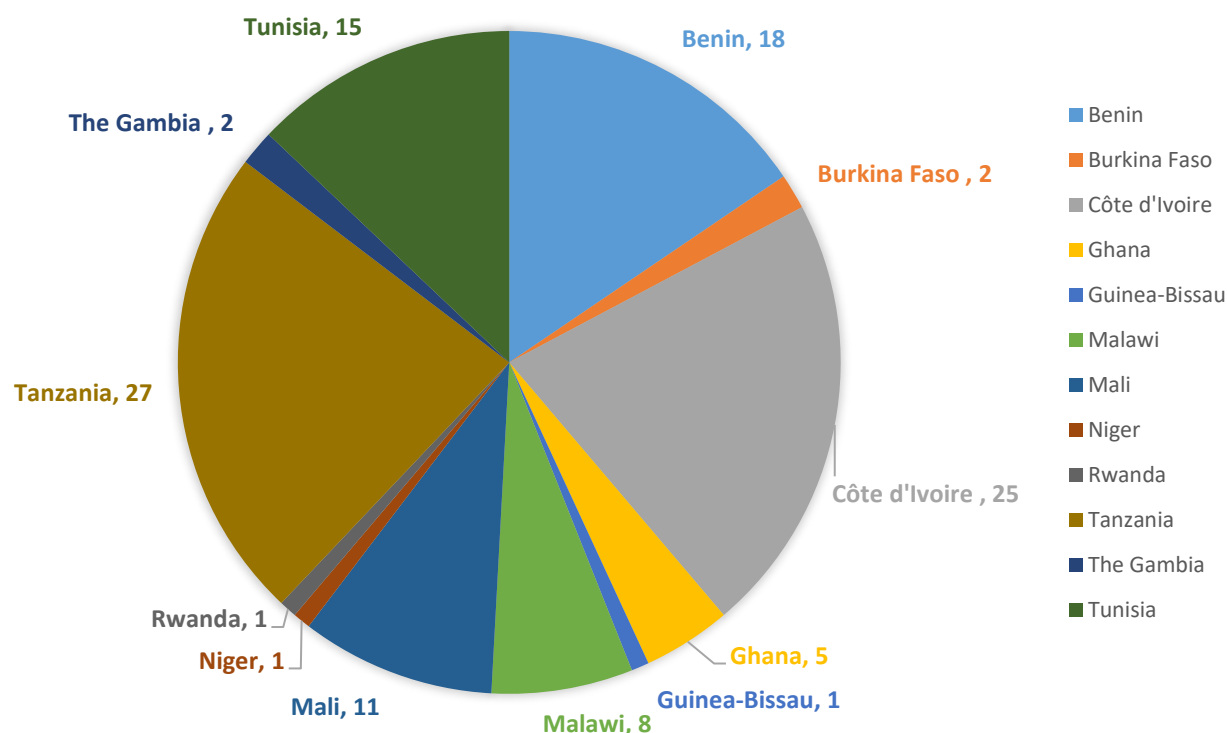
87 CASES PENDING FULL IMPLEMENTATION



251 CASES FINALISED AGAINST AU MEMBER STATES



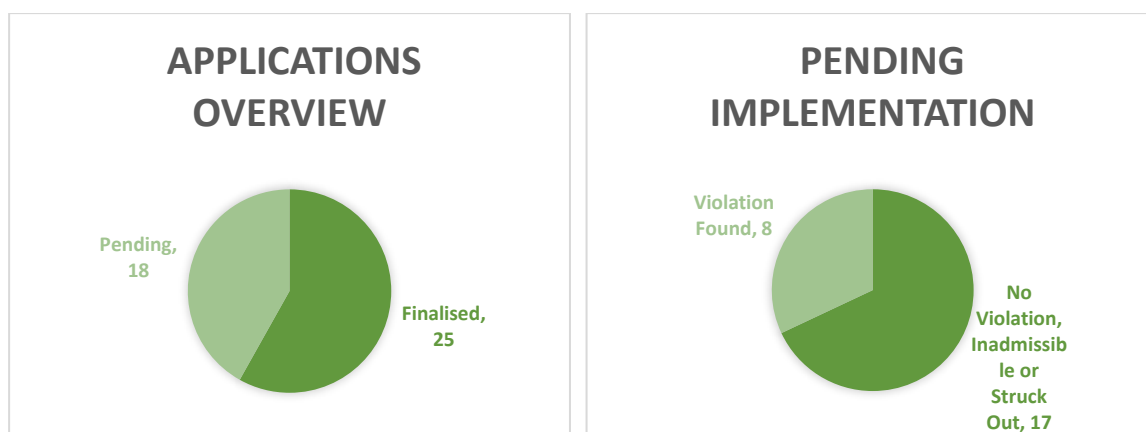
116 CASES PENDING AGAINST AU MEMBER STATES



II. COUNTRY SCORECARDS

5. **COUNTRY SCORECARDS:** The purpose of the section below is to provide a summary of the 9 AU Member States that have cases pending full implementation. The scorecard highlights per country:
 - i. The total number of applications finalised and pending.
 - ii. The total number of applications in which a violation was found and the total number of applications in which no violation was found, the application was declared inadmissible or struck out.
 - iii. The case numbers in which a violation was found and human rights reparations were ordered together with links to the decisions, their summaries, as well as to the separate and dissenting opinions or declarations, if any.
 - iv. An overview of the specific human rights treaty violations found in the respective cases.
 - v. An overview of the respective human rights reparations pending implementation.
 - vi. An overview of the information available or not available concerning the state of implementation of the decisions pending full implementation.

1. Benin

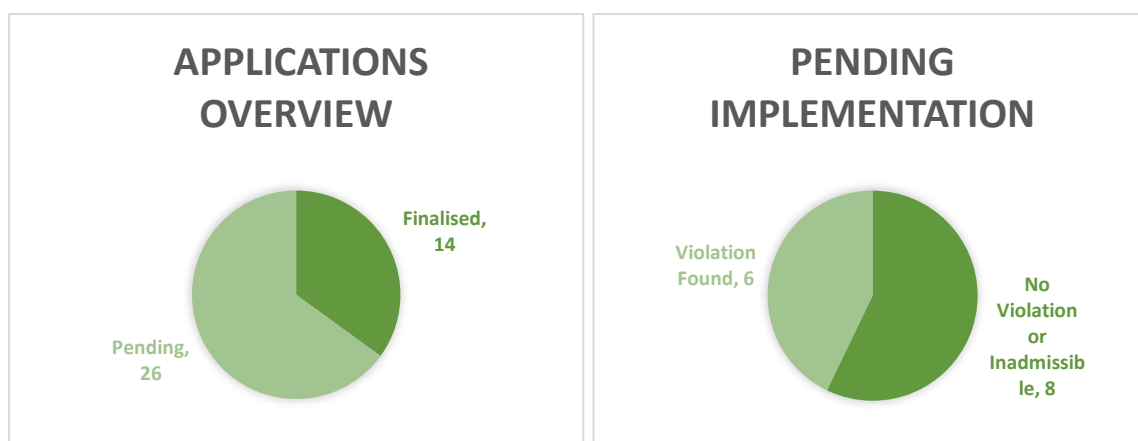


Applications in which a violation was found	013/2017 ; 059/2019 ; 062/2019 ; 065/2019 ; 003/2020 ; 010/2020 ; 024/2020 ; 028/2020
Violations Found:	<p>African Charter on Human and Peoples' Rights (Charter)</p> <ol style="list-style-type: none"> 1) Article 1 (Obligations of State Parties) 2) Article 2 (Non-discrimination) 3) Article 3 (Equality before the law, equal protection of the law) 4) Article 4 (Life, Integrity of the person) 5) Article 5 (Dignity) 6) Article 7 (Fair Trial) 7) Article 9 (Access to information, Freedom of expression) 8) Article 10 (Freedom of association) 9) Article 13 (Participation in government) 10) Article 14 (Property) 11) Article 22 (Economic, social and cultural development) 12) Article 23 (Peace and Security) 13) Article 26 (Independence of the judiciary) <p>Protocol of the Court</p> <ol style="list-style-type: none"> 1) Article 30 (Execution of judgment) <p>African Charter on Democracy, Elections and Governance (ACDEG)</p> <ol style="list-style-type: none"> 1) Article 10 (Constitutional amendment or revision based on national consensus) 2) Article 17 (Independent and impartial national electoral bodies) <p>ECOWAS Protocol on Democracy and Good Governance</p> <ol style="list-style-type: none"> 1) Article 3 (Independence of electoral bodies)

	<p>International Covenant on Civil and Political Rights (ICCPR)</p> <ol style="list-style-type: none"> 1) Article 14 (Fair trial) 2) Article 19 (Freedom of opinion, Freedom of expression) <p>International Covenant on Economic, Social and Cultural Rights (ICESCR)</p> <ol style="list-style-type: none"> 1) Article 8 (Strike) <p>Universal Declaration of Human Rights (UDHR)</p> <ol style="list-style-type: none"> 1) Article 10 (Fair Trial) 2) Article 15 (Nationality)
<p>Human Rights Reparations Pending Implementation:</p>	<ol style="list-style-type: none"> 1) Take all necessary measures to annul CRIET judgment N° 007/3C.COR, dated 18 October 2018. 2) Repeal Article 27 (2) of Law N° 2018, Articles 1 and 2 of Organic Law N° 2018, Law N° 2019 – 39 and carry out all necessary investigations likely to result in recognition of the victims' rights to reparation. 3) Repeal all provisions prohibiting the right to strike, in particular, Article 50 paragraph 5 of Law No. 2017 - 43 of 02 July 2018 amending and supplementing Law No. 2015 - 18 of 13 July 2017 on the general statute of the public service, Article 2 of Law No. 2018 - 34 of 05 October 2018 amending and supplementing Law No. 2001 - 09 of 21 June 2001 on the exercise of the right to strike, Article 71 of Law No. 2017 - 42 of 28 December 2017 on the status of the personnel of the republican police. 4) Take all measures to align the composition of COS-LEPI with the provisions of Articles 17(2) of the ACDEG and 3 of the ECOWAS Protocol on Democracy prior to the election. 5) Repeal Law N° 2019-40 of 1 November 2019 on the Constitution of the Republic of Benin and all subsequent laws, particularly, Act. 2019-43 on the Electoral Code. 6) Comply with the principle of national consensus enshrined in Article 10(2) of the ACDEG for any constitutional revision. 7) Repeal Inter-Ministerial Decree N° 023/MJL/DC/SGM/DACPG/SA 023SGGG19 of 22 July 2019. 8) Take all measures to stop and eliminate all the effects of the respective constitutional revision. 9) Take all measures to make the structure of the High Judicial Council (HJC) statutorily and functionally consistent with Article 26 of the Charter by making the President of the Supreme Court the Chair of the HJC and by repealing the provisions of the HJC organic law that make the President of the Republic a member of the HJC and Chair of the HJC, repealing the provisions that entitle the President of the Republic to appoint members of the HJC, and repealing the provisions that make other members of the executive members of the HJC.

	<p>10) Take all measures to make Article 410(3) of the Criminal Code consistent with Article 9(2) of the Charter and Article 19 of the ICCPR, by guaranteeing freedom of opinion and expression in relation to criticism of judicial decisions.</p> <p>11) Take all necessary measures to repeal Inter-Ministerial Decree N° 023/MJL/DC/SGM/DACPG/SA 023SGGG19 of 22 July 2019.</p> <p>12) Pay compensation to the respective human rights victims in the sum of 39,380,444,948 CFA.</p>
Information on Implementation:	No information available. No implementation report was received, despite several reminders sent to that effect.

2. Côte d'Ivoire



Applications in which a violation was found	001/2014 ; 041/2016 ; 034/2017 ; 044/2019 ; 019/2020 ; 015/2021
Violations Found:	<p>African Charter on Human and Peoples' Rights (Charter)</p> <ol style="list-style-type: none"> Article 1 (Obligations of State Parties) Article 3 (Equal protection of the law) Article 4 (Life, integrity of the person) Article 7 (Fair Trial) Article 9 (Access to information) Article 13 (Participation in government) Article 16 (Health) Article 24 (Environment) <p>African Charter on Democracy, Elections and Governance (ACDEG)</p> <ol style="list-style-type: none"> Article 3 (Ensure public trust and transparency in the management of public affairs and effective citizens' participation in democratic processes) Article 13 (Political and social dialogue; Public trust and transparency between political leaders and the people) Article 10 (Equal protection of the law)

	<p>4) Article 17 (Independent and impartial national electoral bodies)</p> <p>ECOWAS Protocol on Democracy and Good Governance</p> <p>1) Article 3 (Independence of electoral bodies) 2) Article 6 (Transparent elections)</p> <p>International Covenant on Civil and Political Rights (ICCPR)</p> <p>1) Article 26 (Equal protection of the law)</p>
<p>Human Rights Reparations Pending Implementation:</p>	<ol style="list-style-type: none"> 1) Amend Law N° 2014-335 of 18 June 2014 on the Independent Electoral Commission (IEC) to align the said law with the respective human rights instruments to which it is a Party. 2) Take the necessary steps before any election to ensure that fresh elections to the Bureau of the IEC are organized at local levels, based on the new composition of the electoral body. 3) Take the necessary steps before any election to ensure that the process for nominating members of the IEC by political parties, in particular opposition parties, as well as CSOs, is led by such entities, on the basis of specified criteria, with the power to organise themselves, to consult one another, to hold elections if necessary and to present the required candidates. 4) Implement legislative and regulatory reforms to enforce the prohibition of the import and dumping of hazardous wastes within its territory in compliance with applicable international conventions to which it is a party. 5) Amend its laws in order to ensure the responsibility of corporate entities in respect of acts relating to environment and the handling of toxic waste. 6) Organise training programs for relevant public officials with a view to raise their awareness of the protection of human rights and the environment, and to integrate such training into school and university curricula with a view to promote respect for human rights and the environment. 7) Ensure the presence of one or more representatives of the Ministry of the Environment at all its ports, with the power and means to monitor the waste removal from ships. 8) Initiate an independent and impartial investigation into the alleged facts in order to establish the criminal and individual liability of the perpetrators and to prosecute them. 9) Submit a transparent public report on the use of the funds allocated to it under the MoU signed with TRAFIGURA. 10) Conduct a general and updated national census of the victims. 11) Establish, in consultation with the victims, a compensation fund to be financed with the amounts received from TRAFIGURA, and additional resources provided by the Respondent State, as necessary, taking into account the census of victims to be conducted.

	<p>12) Ensure that the victims receive medical and psychological assistance.</p> <p>13) Pay compensation to the respective human rights victims in the sum of 295,814,808 CFA.</p>
Information on Implementation:	Some implementation reports are filed. However, key information on the implementation of decisions is still missing. Several reminders have been sent to request the filing of additional implementation reports, yet, they have not yet been received.

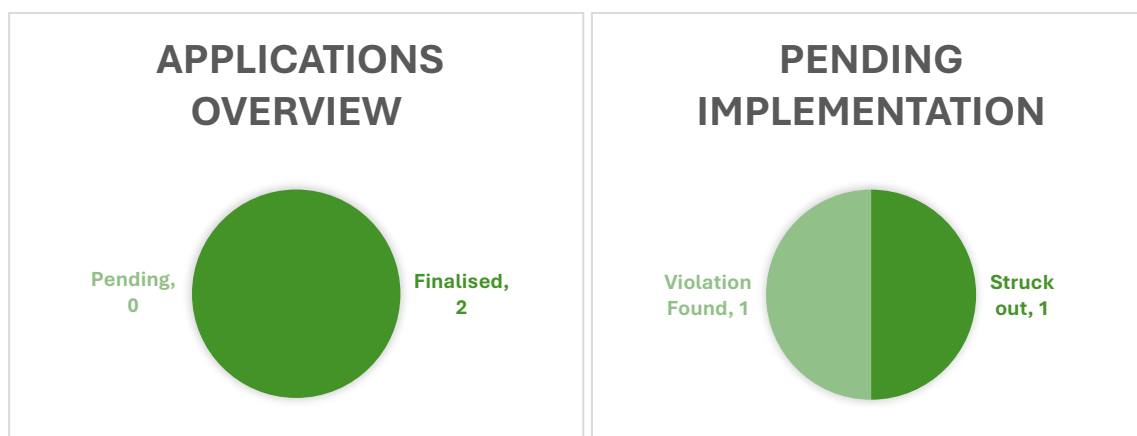
3. Kenya



Applications in which a violation was found	006/2012
Violations Found:	<p>African Charter on Human and Peoples' Rights (Charter)</p> <ol style="list-style-type: none"> 1) Article 1 (Obligations of State Parties) 2) Article 2 (Non-discrimination) 3) Article 8 (Freedom of religion) 4) Article 14 (Property) 5) Article 17 (Cultural life, Traditional values) 6) Article 21 (Free disposal of wealth and natural resources) 7) Article 22 (Economic, social and cultural development)
Human Rights Reparations Pending Implementation:	<ol style="list-style-type: none"> 1) Take all necessary legislative, administrative or other measures to identify, in consultation with the Ogiek people and/or their representatives, delimit, demarcate, and grant collective title to the Ogiek ancestral land to guarantee use and enjoyment by legal certainty. 2) Engage in dialogue and consultations between the Ogiek people and/or their representatives, and other parties concerned with a view to agreeing on continuation or discontinuation of the activities of the beneficiaries of the

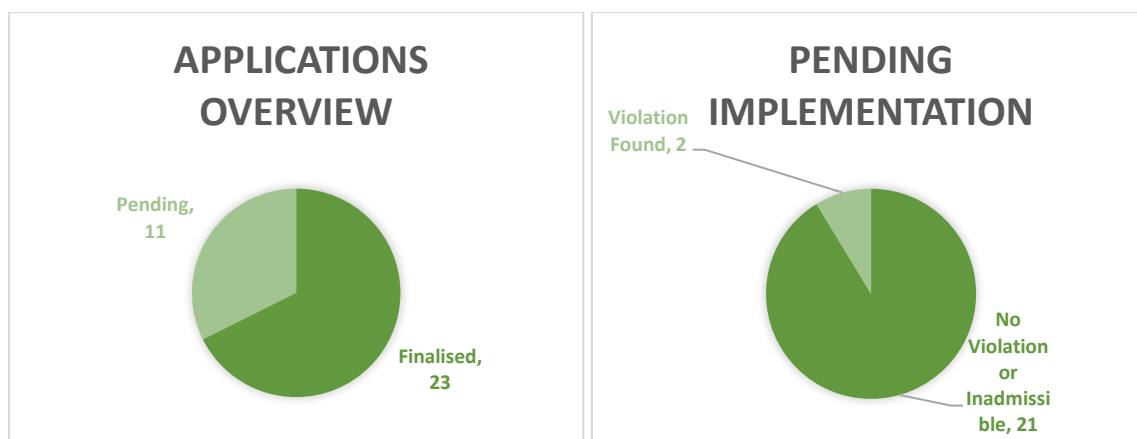
	<p>said concessions in the form of leases and/or sharing of royalties and benefits, with the Ogiek people, in accordance with the Community Lands Act. In case of failure to reach a compromise, the Respondent State must compensate the third parties concerned and return the land to the Ogiek people.</p> <p>3) Effectively ensure full recognition of the Ogiek people as an indigenous population of Kenya.</p> <p>4) Recognize, respect, and protect the right of the Ogiek people to be effectively consulted, in accordance with their traditions/customs, for all development, conservation or investment projects on the Ogiek ancestral lands.</p> <p>5) Pay compensation to the respective human rights victims in the sum of 157,850,000 Kenyan Shillings.</p>
Information on Implementation:	Some implementation reports filed, however, key information not yet available, despite several reminders sent to request the filing of additional implementation reports.

4. Libya



Applications in which a violation was found	002/2013
Violations Found:	<p>African Charter on Human and Peoples' Rights (Charter)</p> <ol style="list-style-type: none"> Article 6 (Liberty, Security of person, Arbitrary arrest or detention) Article 7 (Fair trial)
Human Rights Reparations Pending Implementation:	<ol style="list-style-type: none"> Protect all the victim's rights of under Articles 6 and 7 of the Charter by terminating the illegal criminal procedure initiated at the domestic courts.
Information on Implementation:	No information available. No implementation report was received, despite reminders sent to that effect.

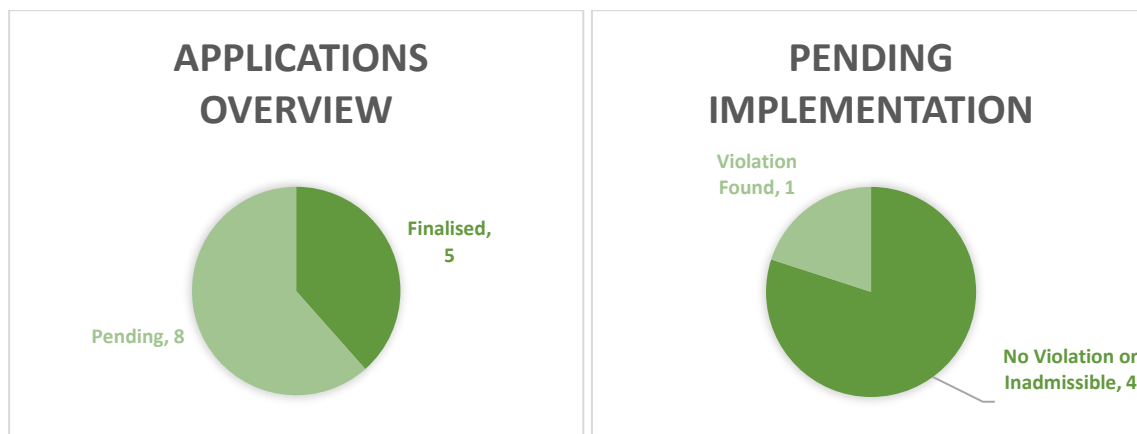
5. Mali



Applications in which a violation was found	046/2016 ; 029/2018
Violations Found:	<p>African Charter on Human and Peoples' Rights (Charter)</p> <ol style="list-style-type: none"> 1) Article 7 (Fair trial) 2) Article 26 (Independence of the judiciary) <p>African Charter on the Rights and Welfare of the Child</p> <ol style="list-style-type: none"> 1) Article 1 (Obligations of State Parties) 2) Article 2 (Definition of a child) 3) Article 3 (Non-discrimination) 4) Article 4 (Best interests of the child) 5) Article 21 (Protection against harmful social and cultural practices) <p>Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol)</p> <ol style="list-style-type: none"> 1) Article 2 (Elimination of discrimination against women) 2) Article 6 (Marriage) 3) Article 21 (Inheritance) <p>African Charter on Democracy, Elections and Governance (ACDEG)</p> <ol style="list-style-type: none"> 1) Article 17 (Independent and impartial national electoral bodies) <p>ECOWAS Protocol on Democracy and Good Governance</p> <ol style="list-style-type: none"> 2) Article 3 (Independence of electoral bodies) <p>International Covenant on Civil and Political Rights (ICCPR)</p>

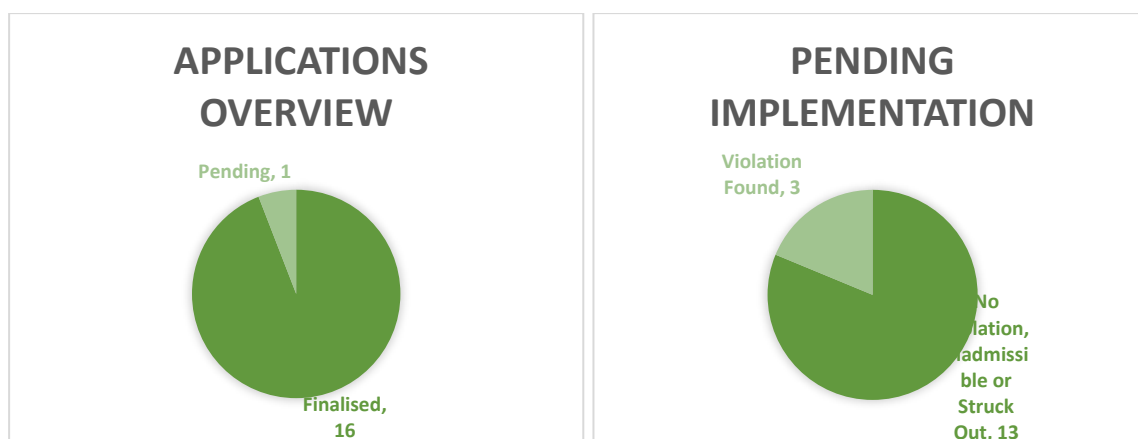
	<p>1) Article 14 (Fair trial)</p> <p>Convention on the Elimination of all Forms of Discrimination against Women (CEDAW)</p> <p>1) Article 5 (Elimination of prejudices) 2) Article 16 (Marriage)</p>
Human Rights Reparations Pending Implementation:	<p>1) Amend the contested Family Law dealing with the minimum age and the right to consent to marriage as well as the right to inheritance for women and children born out of wedlock, by bringing it into conformity with international instruments and take the necessary measures to put an end to the violations found.</p> <p>2) Comply with its obligations under Article 25 of the Charter with respect to information, teaching, education and sensitisation of the populations to promote and ensure the respect of the rights and freedoms contained in the present Charter and to see to it that these freedoms and rights as well as the corresponding obligations and duties are understood.</p> <p>3) Amend the laws governing the Constitutional Court by including provisions to ensure respect for the adversarial principle and provisions relating to the procedure for recusal of members of the Constitutional Court.</p> <p>4) Take all necessary measures to fully implement its obligation to guarantee the independence of the Constitutional Court.</p> <p>5) Take all necessary measures, in any case before any election, to repeal Articles 27 and 28 of the electoral law.</p> <p>6) Take all necessary measures to fully implement its obligation to establish and strengthen independent and impartial electoral bodies.</p> <p>7) Pay compensation to the respective human rights victims in the sum of 1,000,000 CFA.</p>
Information on Implementation:	<p>No information available. No implementation report was received, despite reminders sent to that effect.</p>

6. Malawi



Applications in which a violation was found	022/2017
Violations Found:	African Charter on Human and Peoples' Rights (Charter) <ol style="list-style-type: none"> 1) Article 1 (Obligations of State Parties) 2) Article 3 (Equal protection of the law) 3) Article 7 (Fair trial)
Human Rights Reparations Pending Implementation:	<ol style="list-style-type: none"> 1) Pay compensation to the respective human rights victims in the sum of 209,000,000 Malawian Kwacha.
Information on Implementation:	No information available. No implementation report was received, despite reminders sent to that effect.

7. Rwanda



Applications in which a violation was found	003/2014 ; 017/2015 ; 012/2017
Violations Found:	<p>African Charter on Human and Peoples' Rights (Charter)</p> <ol style="list-style-type: none"> 1) Article 4 (Life) 2) Article 5 (Cruel, inhuman and degrading treatment) 3) Article 7 (Fair Trial) 4) Article 9 (Freedom of expression) 5) Article 12 (Freedom of movement) 6) Article 13 (Participation in government) 7) Article 18 (Work) <p>International Covenant on Civil and Political Rights (ICCPR)</p> <ol style="list-style-type: none"> 1) Article 19 (Freedom of expression)
Human Rights Reparations Pending Implementation:	<ol style="list-style-type: none"> 1) Reinstate the respective human rights victims their passports. 2) Appoint an independent medical doctor to assess the respective human rights victim's state of health and determine the necessary actions for his assistance. 3) Pay compensation to the respective human rights victims in the sum of 48,540,000 Rwandan Francs.
Information on Implementation:	No information available. No implementation report was received, despite several reminders sent to that effect.

8. Tanzania

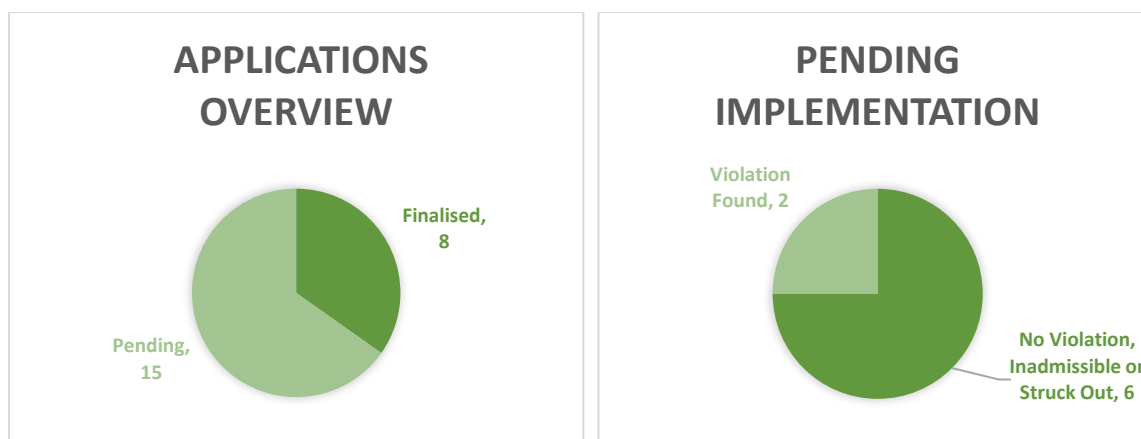


<p>Applications in which a violation was found</p>	<p>009 and 011/2011 ; 005/2013 ; 006/2013 ; 007/2013 ; 001/2015 ; 003/2015 ; 004/2015 ; 005/2015 ; 006/2015 ; 007/2015 ; 008/2016 ; 009/2015 ; 010/2015 ; 011/2015 ; 012/2015 ; 013/2015 ; 025/2015 ; 026/2015 ; 027/2015 ; 028/2015 ; 032/2015 ; 033/2015 ; 001/2016 ; 003/2016 ; 005/2016 ; 006/2016 ; 011/2016 and 012/2016 ; 013/2016 ; 014/2016 ; 015/2016 ; 016/2016 ; 017/2016 ; 020/2016 ; 022/2016 ; 024/2016 ; 025/2016 ; 027/2016 ; 030/2016 ; 032/2016 ; 033/2016 ; 035/2016 ; 036/2016 ; 044/2016 ; 047/2016 ; 048/2016 ; 049/2016 ; 050/2016 ; 051/2016 ; 054/2016 ; 058/2016 ; 015/2017 and 011/2018 ; 018/2017 ; 031/2017 ; 005/2018 ; 015/2018 ; 017/2018 ; 018/2018 ; 023/2018 ; 024/2018 ; 027/2018 ; 029/2019 ; 011/2020 ; 039/2020</p>
<p>Violations Found:</p>	<p>African Charter on Human and Peoples' Rights (Charter)</p> <ol style="list-style-type: none"> 1) Article 1 (Obligations of State Parties) 2) Article 2 (Non-discrimination) 3) Article 3 (Equality before the law, equal protection of the law) 4) Article 4 (Life) 5) Article 5 (Dignity, Torture, Cruel, inhuman or degrading punishment or treatment) 6) Article 6 (Liberty) 7) Article 7 (Fair Trial) 8) Article 9 (Access to information, Freedom of expression) 9) Article 10 (Freedom of association) 10) Article 12 (Freedom of movement) 11) Article 13 (Participation in government) <p>Vienna Convention on Consular Relations (VCCR)</p> <ol style="list-style-type: none"> 1) Article 36 (Communication and contact with nationals of the sending State)

	<p>International Covenant on Civil and Political Rights (ICCPR)</p> <ol style="list-style-type: none"> 1) Article 9 (Liberty) 2) Article 14 (Fair trial) <p>Universal Declaration of Human Rights (UDHR)</p> <ol style="list-style-type: none"> 1) Article 15 (Nationality)
<p>Human Rights Reparations Pending Implementation:</p>	<ol style="list-style-type: none"> 1) Take all necessary constitutional, legislative and other measures to bring its law on independent candidature for elections to the Presidency, Parliament and to Local Government in conformity with the Charter. 2) Take all necessary constitutional and legislative measures, within a reasonable time, and in any case not exceeding two (2) years, to ensure that article 41(7) of its Constitution, which bars any court from inquiring into the election of a presidential candidate after the Electoral Commission has declared a winner, is amended and aligned with the provisions of the Charter to eliminate, among others, a violation of Articles 2, and 7(1)(a) of the Charter. 3) Take all necessary constitutional and legislative measures, within a reasonable time, to ensure that sections 6(1), 7(2) and 7(3) of the National Elections Act are amended and aligned with the provisions of the Charter so as to eliminate the violation of Article 13(1) of the Charter. 4) Expedite and finalize all appeal proceedings in criminal matters concerning the respective human rights victims before the national courts. 5) Reopen the trial for the respective human rights victim, in accordance with the standards provided for in the Charter and any other relevant international human rights standards and to conclude the trial within a reasonable period which shall in no circumstances exceed two years from the date of notification of the respective judgment. 6) Take all necessary measures to ensure that the cavity searches prescribed in the instant case are conducted in strict compliance with its international obligations. 7) Take all necessary measures to remove the mandatory imposition of the death penalty from its laws. 8) Take all necessary measures for the rehearing of the cases on the sentencing of the respective human rights victims through a procedure that does not allow the mandatory imposition of the death sentence and upholds the discretion of the judicial officer. 9) The immediate release of the respective human rights victims. 10) Take all necessary measures to restore the respective human rights victim's rights by allowing them to return to the national territory and to ensure their protection. 11) Amend its legislation to provide individuals with judicial remedies in the event of dispute over their citizenship.

	<p>12) Amend the provisions of its criminal law, which substituted the sentence of life imprisonment with that of corporal punishment for offenders under the age of 18 years, in order to bring them in line with its international obligations including those under Articles 5 of the Charter, 15(1) of the ICCPR, 17(3) of the ACERWC, and 40(1) of the CRC.</p> <p>13) Take all necessary measures to remove “hanging” from its laws as a method of execution of the death penalty.</p> <p>14) Take all necessary measures to amend Section 148 (5) of its Criminal Procedure Act to entrench the discretion of judicial officers to grant or deny bail while taking into consideration the specific circumstances of each case.</p> <p>15) Take all necessary constitutive and legislative measures to ensure that the Legal Aid Act 2017 is amended and aligned with the provisions of the Charter and ICCPR.</p> <p>16) Remove corporal punishment from its laws, including but not limited to the Penal Code, Criminal Procedure Code and Corporal Punishment Act, in order to make them compliant with the prohibition of torture, cruel, inhuman or degrading treatment or punishment in Article 5 of the Charter.</p> <p>17) Take all necessary constitutional and legislative measures to ensure that Section 148(5) of the Criminal Procedure Act, which unreasonably restricts bail to individuals charged with certain offences and prescribes unailable offences, is amended and aligned with the provisions of the Charter to eliminate violations of the Charter.</p> <p>18) Pay compensation to the respective human rights victims in the sum of 239,132,421 Tanzanian Shillings and 68,000 USD.</p>
<p>Information on Implementation:</p>	<p>Some implementation reports are filed. However, key information on the implementation of decisions is still missing. Several reminders have been sent to request the filing of additional implementation reports, yet, they have not yet been received. However, for Applications 015/2018, 023/2018, 024/2018 and 027/2018 the time period to implement the reparation orders and to submit the implementation report has not yet lapsed.</p>

9. Tunisia



Applications in which a violation was found	017/2021 ; 016/2021
Violations Found:	African Charter on Human and Peoples' Rights (Charter) <ol style="list-style-type: none"> 1) Article 1 (Obligations of State Parties) 2) Article 7 (Fair trial) 3) Article 13 (Participation in government) 4) Article 26 (Independence of the judiciary and the legislature)
Human Rights Reparations Pending Implementation:	<ol style="list-style-type: none"> 1) Repeal Presidential Decree No. 69 of 26 July 2021, pertaining to the termination of the duties of the Head and members of Government. 2) Repeal Presidential Decree No. 80 of 29 July 2021, pertaining to the suspension of the powers of Parliament, lifting the immunity of its members for one month, starting 25 July 2021 subject to extension, by a presidential decree as per the provision of Article 80 of the Constitution. 3) Repeal Presidential Decree No. 109 of 24 August 2021, pertaining to the extension of exceptional measures on the suspension of the powers of Parliament and lifting the immunity of its members until further notice. 4) Repeal Presidential Decree No. 117 of 22 September 2021, pertaining to exceptional measures, Article 20 of which revokes the constitution, except Chapters I and II and maintaining the provisions which do not contradict the Presidential Order. 5) Repeal Presidential Decree No. 137 and 138 of 11 October 2021, pertaining to the appointment of the Head and members of Government. 6) Return to constitutional democracy. 7) Take all measures necessary for the operationalisation of an independent Constitutional Court and remove all legal impediments thereto. 8) Take all necessary measures to operationalise the Constitutional Court.

	9) Repeal Decree-Laws No 2022-11 of 12 February 2022 and No 2022-35 of 1 June 2022 and to reinstate the High Judicial Council.
Information on Implementation:	No information available. No implementation report was received for Application 017/2021, despite reminders sent to that effect. However, for Application 016/2021 the time period to implement the reparation orders and to submit the implementation report has not yet lapsed.

III. CONCLUSION AND RECOMMENDATIONS

6. **CONCUSION:** Limited evidence exists regarding the actions taken by AU Member States to implement the decisions of the African Court. Despite various reminders, the respective states have not filed their implementation reports. This lack of information prevents the African Court to effectively discharge its mandate to systematically and comprehensively report to the Executive Council on the status of implementation of its decisions. In turn, this jeopardises the responsibility of the Executive Council to monitor the implementation of the African Court's decisions execution on behalf of the Assembly, in accordance with Article 29(2) of the Protocol.
7. **RECOMMENDATIONS:** To promote the implementation of decisions of the African Court, the following key recommendations are suggested:
 - i. **THE AU COMMISSION** should be invited to help the African Court to disseminate its decisions, ensure uptake, implementation and help generate as well as measure "impact" of its decisions through relevant technical assistance programmes. This will necessitate better coordination of the expansion, availability, storage and dissemination of the expertise and different knowledge resources related to regional and continental policies.
 - ii. **THE AU MEMBER STATES** should take the necessary steps to implement the respective Executive Council decisions to appoint national focal points, as applicable,⁷ and equip them with adequate resources to ensure effective follow up on all matters relating to the African Court, including on implementation of the African Court's decisions, and ensuring the smooth running of African Court's procedures at the national level. This will be a crucial measure to ensure timely delivery of justice by having the national focal points to ensure stricter adherence by all parties to the procedural timelines for submitting pleadings and implementation reports to the African Court.

⁷ 24 AU Member States have already appointed a national focal point: Algeria, Benin, Botswana, Burkina Faso, Burundi, Cameroon, Cape Verde, Ghana, Lesotho, Liberia, Madagascar, Malawi, Mauritius, Mauritania, Mozambique, Nigeria, Uganda, Comoros, Central African Republic, Democratic Republic of Congo, Senegal, South Africa, Tanzania, Zimbabwe.

- iii. **THE AU POLICY ORGANS** should consider assigning an enhanced role for the PRC Sub-Committee on Democracy, Governance and Human Rights and the STC on Justice and Legal Affairs in monitoring the implementation of African Court decisions.⁸ This could be organized by having yearly or bi-yearly extra-ordinary sessions specifically and exclusively devoted to monitoring the state of implementation of the AU human rights bodies' decisions. Over the next three (3) years, the institutional and procedural arrangements for such meetings could be developed in coordination with the AUC Office of the Legal Counsel, so that these regular implementation monitoring meetings of the AU Policy Organs are fully institutionalized.

⁸ As per its Rules of Procedures (2014), the STC on Justice and Legal Affairs has a specific mandate to consider all draft AU treaties and other legal instruments or documents, to follow up on issues concerning the signature, ratification/accession, *domestication and implementation* of OAU/AU treaties, including human rights treaties, as well as, specifically "consider and follow up on legal issues concerning human rights, constitutionalism and the rule of law on the continent" (Rule 4(f)).



ANNEX III

JOINT COMMUNIQUÉ

THE SECOND TRIPARTITE JUDICIAL DIALOGUE

18 – 20 SEPTEMBER, 2024, ARUSHA – TANZANIA

THE AFRICAN COURT ON HUMAN AND PEOPLES' RIGHTS (AfCHPR),
THE ECOWAS COURT OF JUSTICE (ECOWAS-CJ) AND
THE EAST AFRICAN COURT OF JUSTICE (EACJ)
(hereinafter referred to as the Courts)

MEETING from 18 to 20 September 2024 in Arusha, United Republic of Tanzania, on the occasion of the 2nd Tripartite Judicial Dialogue;

RECALLING the 1st Tripartite Judicial Dialogue, held from 27 to 29 June 2022, in Zanzibar, United Republic of Tanzania, and particularly its conclusions, amongst which, to hold dialogues of this nature biennially between continental and regional courts in Africa as well as to strengthen cooperation among these Courts and with the United Nations human rights mechanisms;

CONSCIOUS of the ongoing cooperation between the Courts in light of the Memoranda of Understanding that were signed between the AfCHPR and the ECOWAS-CJ in 2018 and renewed in 2023, and between the AfCHPR and the EACJ in 2019;

RECOGNISING the need for the African continental and regional courts with direct and indirect human rights mandates to regularly engage in judicial dialogue and cooperation in order to continuously improve access to and administration of justice;

BEARING IN MIND the desire to promote cooperation among African continental and regional courts and with the United Nations human rights mechanisms by facilitating the exchange of best practices and experiences;

EMPHASISING Agenda 2063 of the African Union (AU) which sets out Africa's desired future, and in particular, Aspiration 1, which seeks to develop well-educated citizens and encourage a skills revolution while also creating an environmentally sustainable

climate and resilient economies and communities, and, Aspiration 3, which seeks to achieve an Africa of good governance, democracy, respect for human and peoples' rights, justice and the rule of law;

FURTHER EMPHASISING ECOWAS Vision 2050 for a fully integrated Community of peoples, living in a peaceful and prosperous region, with strong institutions and respect for fundamental rights and freedoms, striving for inclusive and sustainable development;

UNDERSCORING EAC Vision 2050 for socio-economic transformation and development;

CONSIDERING the AU's theme for 2024, "Educate an African fit for the 21st Century: Building resilient education systems for increased access to inclusive, lifelong, quality, and relevant learning in Africa", declared by the 36th Ordinary Session of the AU Assembly of Heads of State and Government, which aims to accelerate the achievement of the United Nations' Sustainable Development Goal 4, to "Ensure inclusive and equitable quality education and promote lifelong learning opportunities for all";

RECOGNISING the persistent challenges faced by the Courts, including insufficient human, technical and financial resources as well as the low implementation of their decisions; **MINDFUL** that it is the primary obligation of Member States to promote and ensure respect for the rule of law, and, in accordance with Article 1 of the African Charter on Human and Peoples' Rights, to recognise the rights, duties and freedoms enshrined in the Charter and adopt legislative or other measures to give effect to them;

RECALLING Article 7 of the African Charter on Democracy, Elections and Governance which provides that State Parties shall take all necessary measures to strengthen the Organs of the AU that are mandated to promote and protect human rights and to fight impunity and endow them with the necessary resources;

CONSCIOUS of Article 5 of the ECOWAS Revised Treaty wherein Member States committed, among others, to take all necessary measures to harmonise their strategies and policies, and refrain from any action that may hinder the attainment of their objectives and to honour their Treaty obligations;

RECALLING Article 7(2) and 8(1) of the EAC Treaty, wherein EAC Partner States undertake to abide by the principles of good governance, including adherence to the principles of democracy, the rule of law, social justice and the maintenance of universally accepted standards of human rights; and abstain from any measures likely to jeopardise the achievement of the objectives of the Community; **NOTING** the AU Institutional Reform Process initiated in July 2016 and particularly the principles on which it is based, specifically, prioritisation, institutional realignment, connecting with Africans, operational efficiency and effectiveness, and sustainable financing;

REITERATING that enhanced synergy amongst the Courts is needed to foster greater continental and regional legal integration by promoting a coherent and less fragmented interpretation and implementation of African international legal standards; **REAFFIRMING** the significance of the three Courts' capacity to contribute jointly

toward the advancement of human rights in Africa, which may in turn deepen and consolidate the rule of law, peace, security and development across the continent;

HAVE AGREED:

ON FINANCING OF THE COURTS:

1. That the gravity and urgency of the financial challenges faced by the Courts have serious implications on their ability to ensure efficient and effective access to justice which may result in serious and irreparable harm to African peoples who rely on the Courts to protect their rights.
2. To develop more sustainable funding mechanisms, including by:
 - i. Encouraging the diversification of sources of funding through more direct voluntary contributions to the respective Courts which may also entail the secondment of experts from national ministries, judiciary, bar associations and universities, as well as through assistance in the provision of specific non-judicial services for the Courts, such as, in the domains of language, communication and Information Technology.
 - ii. Urging Member States to adopt decisions that do not constrain the Courts' access to voluntary contributions by other relevant stakeholders and partner organisations, and review existing policies to that effect.
 - iii. Pursuing the establishment and operationalisation of Trust Funds for the Courts to foster more stable and sustainable resource mobilisation, drawing on contributions from, among others, Member States, the African private sector, other relevant organisations, African citizens and those in the diaspora.
 - iv. Enhancing coordination among the Courts towards joint resource mobilisation strategies, drawing on evidence-based comparative studies and geared towards effective advocacy among policy-makers to demonstrate the added value of the Courts to realising the Aspirations of Agenda 2063, ECOWAS Vision 2050 and EAC Vision 2050.
 - v. Encouraging the allocation of adequate human, technical and financial resources to the Courts to ensure the effective discharge of their respective mandates.
 - vi. Fostering collaboration between the Courts and the peace and security mechanisms of their respective Organisations (AU, ECOWAS and EAC), considering that peace is pre-conditioned on respect for human rights and that peace, development and respect for human rights are inter-related.

ON HUMAN RIGHTS AND ENVIRONMENTAL RIGHTS:

3. That the advancement, defense and observance of human rights are prerequisites to safeguard everyone's right to live in a clean, healthy and sustainable environment for themselves and future generations.
4. That the full enjoyment of several fundamental human rights, such as, the right to food, to health, to development and to life, depends on a clean and sustainable environment and, therefore, the Courts resolve to:
 - i. Encourage a harmonious reading of Article 24 of the African Charter on Human and Peoples' Rights which provides that "All peoples shall have the right to a general satisfactory environment favourable to their development", and welcome the development of a General Comment on the same by African human rights bodies in cooperation with UN human rights mechanisms.
 - ii. Collaborate to facilitate training and capacity building of judges and Court officials in their respective roles of ensuring effective access to justice in environmental affairs, by knowledge sharing on the procedural elements that guarantee the right to information and public participation in areas concerning environmental protection measures, as well as on developments in climate science and the rapidly evolving state of the environment.
 - iii. Organise more specific cooperation amongst the Courts to reflect on the most appropriate reparations for environmental protection in light of the triple planetary crisis of climate change, pollution and biodiversity loss, including through the development of internal guidelines to strengthen the Courts' reparations jurisprudence in the context of environmental justice.
 - iv. Acknowledge the emerging trends in environmental litigation, including climate change litigation, biodiversity litigation, waste litigation, as well as strategic lawsuits against public participation, known as SLAPP suits, and commit to reflect on how best to handle these litigation trends and encourage the more frequent organisation of regional fora, with environmental experts and local community leaders, as well as other knowledge sharing initiatives, for African judges to be better equipped to deal with environmental litigation.

ON THE RIGHT TO EDUCATION:

5. To encourage a coherent interpretation of the right to education, with due respect for cultural, sociological and economic specificities, including by:
 - i. The institutionalisation of a regular dialogue between UN human rights mechanisms and African continental and regional human rights mechanisms around the legal developments and emerging trends surrounding the effective protection of the right to education, including by reflecting on key landmark decisions of international human rights bodies as well as national constitutional courts, supreme courts and highest administrative tribunals in Africa.

- ii. Observing trends concerning the realisation of the right to education and engaging with domestic bodies responsible for ensuring compliance with the Courts' decisions on various aspects of the right to education.
6. To jointly mobilise support to enhance awareness of the role of the Courts as key agents in ensuring effective protection of the right to education by:
- i. Encouraging capacity-building and research programmes for the legal community about the necessary measures to enhance the effectiveness of the justiciability of the right to education.
 - ii. Encouraging academic research networks on education policy and law, to organise initiatives to build legal expertise to establish and evaluate national legal norms and standards on various aspects of the right to education and ensure compliance with international and regional law on the right to education.

**ON THE IMPLEMENTATION OF THE RECOMMENDATIONS FROM THE 1ST
TRIPARTITE JUDICIAL DIALOGUE:**

7. To continue making progress in monitoring, evaluating and implementing, as applicable, the recommendations from the previous tripartite judicial dialogue, including by:
- i. Building on the experience of promoting a continuous dialogue between UN human rights mechanisms and African continental and regional courts, by informing each other more regularly within their respective applicable legal frameworks of new cases submitted to them, to enhance the ability to develop a better overview and understanding of each other's docket. This may in turn facilitate cooperation in specific cases, where relevant, and reinforce a coherent jurisprudence among them.
 - ii. Enhancing the collaboration among the Courts in the context of the development of the African Jurisprudence Database (AJUDATA) as a comprehensive and accessible repository of jurisprudence from African International Judicial Mechanisms with the aim of developing a user-friendly platform for accessing African continental and regional jurisprudence and their implementation status, featuring intuitive search tools, interactive data visualisations, concise case summaries, and efficient filter options for enhanced user experience.
 - iii. Undertaking joint activities to raise awareness on the Courts' jurisprudence and their roles in protecting the rule of law and human rights in Africa, including

through joint publications, the development of human rights educational tools, research projects, and practice guides on specific rights or themes, such as elections, environmental rights, women's rights or indigenous peoples' rights.

- iv. Encouraging staff exchanges and peer-to-peer learning workshops or seminars to promote more hands-on sharing of experiences and good judicial practices, including with regard to amicable settlement procedures, language services, leveraging technology as well as mechanisms and initiatives relating to the implementation of decisions.
- v. Calling for the establishment of focal points for greater institutional cooperation between UN human rights mechanisms and African continental and regional courts to further strengthen the relationship between States and the Courts, through enhanced engagement with national authorities, including national focal points, national judiciaries, national human rights institutions and academic institutions, to foster mutual exchanges of information and ensure effective follow up with regard to the implementation and wider impact of the Courts' decisions.
- vi. Earmarking activities in the Annual Work Plans of the Courts in which the respective Courts can participate.

ON THE WAY FORWARD:

8. That each Court will appoint focal points amongst the Judges and the Registry, to constitute Committees at two levels – at policy level and at technical level – to monitor the implementation of the recommendations of the two Tripartite Judicial Dialogues, and inform each other on a quarterly basis of the measures taken to implement the recommendations.
9. That the Committees will develop clear Terms of Reference as well as a Joint Workplan for the implementation of the recommendations by 15 February 2025, including the allocation of financial, technical and human resources necessary to implement the recommendations.
10. That the Committees will present a joint performance report during the next biennial meeting of the Courts in 2026, on the different measures taken to implement the recommendations.

11. To incorporate the implementation of the recommendations as part of the Courts' internal institutional workplans and strategic plans.
12. To collaborate with the UN human rights mechanisms, including the human rights treaty bodies and their focal points, in the implementation of the recommendations, as relevant.

ADOPTED BY

**THE AFRICAN COURT ON HUMAN AND PEOPLES' RIGHTS (AfCHPR)
THE ECOWAS COURT OF JUSTICE (ECOWAS-CJ)
AND THE EAST AFRICAN COURT OF JUSTICE (EACJ)**

DONE AT ARUSHA, TANZANIA, THIS 20TH DAY OF SEPTEMBER 2024.

**DRAFT DECISION ON THE 2024 ACTIVITY REPORT OF THE AFRICAN COURT
ON HUMAN AND PEOPLES' RIGHTS**

The Executive Council,

1. **TAKES NOTE** of the Activity Report of the African Court on Human and Peoples' Rights (the Court) for the period 1 January to 31 December 2024;
2. **COMMENDS** the Court for its work in enhancing the protection of human and peoples' Rights on the continent, and **CALLS ON** the Court to continue working closely with Member States and other relevant human rights stakeholders on the continent, to ensure the effective discharge of its mandate.
3. **CONGRATULATES** the twenty-four (24) Member States that have appointed National Focal Points for the Court, namely: Algeria, Benin, Botswana, Burkina Faso, Burundi, Cameroon, Cape Verde, Central African Republic, Comoros, Democratic Republic of Congo, Ghana, Lesotho, Liberia, Madagascar, Malawi, Mauritius, Mauritania, Mozambique, Nigeria, Uganda, Senegal, South Africa, Tanzania, Zimbabwe, in conformity with Executive Council Decision EX.CL/Dec.1153(XL), adopted during the 40th Ordinary Session of the Executive Council, held from 2 - 3 February 2022, in Addis Ababa, Ethiopia, and **INVITES** those Member States that have not yet done so, to take steps to appoint their National Focal Points.
4. **NOTES WITH CONCERN** that more than two decades after its adoption, only thirty-four (34) Member States of the African Union have ratified the Protocol and only eight (8) of the 34 State Parties, have deposited the Declaration required under Article 34 (6) thereof, allowing individuals and NGOs to bring cases directly to the Court;
5. **CONGRATULATES** the thirty-four (34) State Parties to the Protocol, namely: Algeria, Benin, Burkina Faso, Burundi, Cameroon, Chad, Côte d'Ivoire, Comoros, Congo, Democratic Republic of Congo, Gabon, The Gambia, Ghana, Guinea Bissau, Kenya, Libya, Lesotho, Madagascar, Mali, Malawi, Mozambique, Mauritania, Mauritius, Nigeria, Niger, Rwanda, South Africa, Sahrawi Arab Democratic Republic, Senegal, Tanzania, Togo, Tunisia, Uganda and Zambia.
6. **FURTHER CONGRATULATES** the eight (8) State Parties that have deposited the Declaration under Article 34(6) of the Protocol, namely: Burkina Faso, Gambia, Ghana, Guinea Bissau, Malawi, Mali, Niger and Tunisia.
7. **INVITES** Member States that have not already done so, to accede to the Protocol, and to deposit the Declaration required under Article 34 (6) of the Protocol.

8. **NOTES** with concern the low level of compliance with the decisions of the Court, and **CALLS** on those Member States that have not done so, to fully comply with the Court's decisions.
9. **NOTES** the constraints faced by the Court in the implementation of Executive Council Decision **EX.CL/Dec.1245(XLIV)**, calling on the African Court and the Commission to *“undertake a study on the state of compliance with decisions of AU human rights bodies, including in particular, the reasons for the low level of compliance, and make concrete recommendations to the Executive Council, on how to enhance Member States’ compliance with such decisions”*.
10. **REITERATES** the need for an in-depth study on the question of implementation of decisions of AU Human Rights bodies to be undertaken, and to this end, **REQUESTS** the Commission to provide the necessary resources to the African Court to ensure the effective implementation of the said decision, and report to the Executive Council in July 2025.
11. **URGES** the Chairperson of the Commission, in conformity with previous Executive Council Decisions, that is, (EX.CL/Dec.973 (XXXI); (EX.CL/Dec.994 (XXXII); EX.CL/Dec.1044 (XXXIV); (EX.CL/Dec.1064 (XXXV); and (EX.CL/Dec.1079), to take all necessary measures to operationalize the Legal Aid Fund for AU Human Rights Organs, and to this end, **INVITES** and **ENCOURAGES** all Member States of the Union, as well as other relevant human rights stakeholders on the continent, to make generous voluntary contributions to the Fund to ensure its sustainability and success.
12. **NOTES** that the African Court will commemorate twenty (20) years of its existence in 2026, and **INVITES** all Member States and relevant stakeholders to work with the African Court to develop concrete activities to commemorate the 20th Anniversary of its operationalisation, and make concrete contributions, on how to strengthen the Court, enhance its visibility across the continent, and make it fit-for-purpose within the ongoing socio-economic and political developments on the continent.
13. **COMMENDS** the steps taken by the United Republic of Tanzania towards the construction of the permanent premises of the Court.
14. **REQUESTS** the Court, in collaboration with the PRC and the Commission, to report at the next Ordinary Session of the Executive Council in June/July 2025, on the implementation of this Decision.