

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>		

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

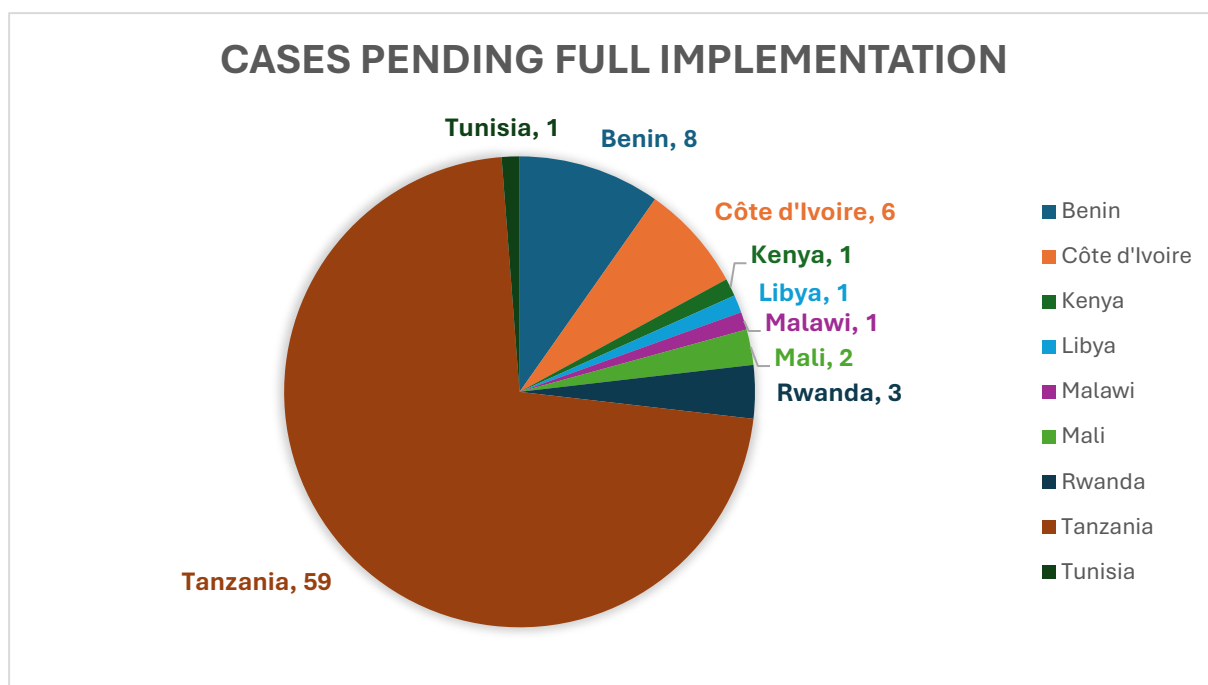
STATUS AS AT 11 NOVEMBER 2024

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 11 November 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, in practical terms, 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. Peaceful changes to the constitution.
 - vi. The freedom of expression and especially the protection of political speech.
 - vii. 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.
 - viii. The right to dignity and in particular the prohibition of corporal punishment.
 - ix. 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. 15 requests for advisory opinions have been registered and have been finalised. 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.¹ These are applications in which the African Court was requested to *resolve disputes* relating to human rights violations.
- iii. 252 contentious applications² were *finalised* against 21 AU Member States and 4 non-state entities.³
- iv. 114 contentious applications are *pending* against 12 AU Member States.
- v. In 84 cases violations were found against 10 AU Member States.
- vi. 2 cases have been *fully implemented* by 1 AU Member State (Burkina Faso).⁴
- vii. **82 cases against 9 AU Member States are pending full implementation:**



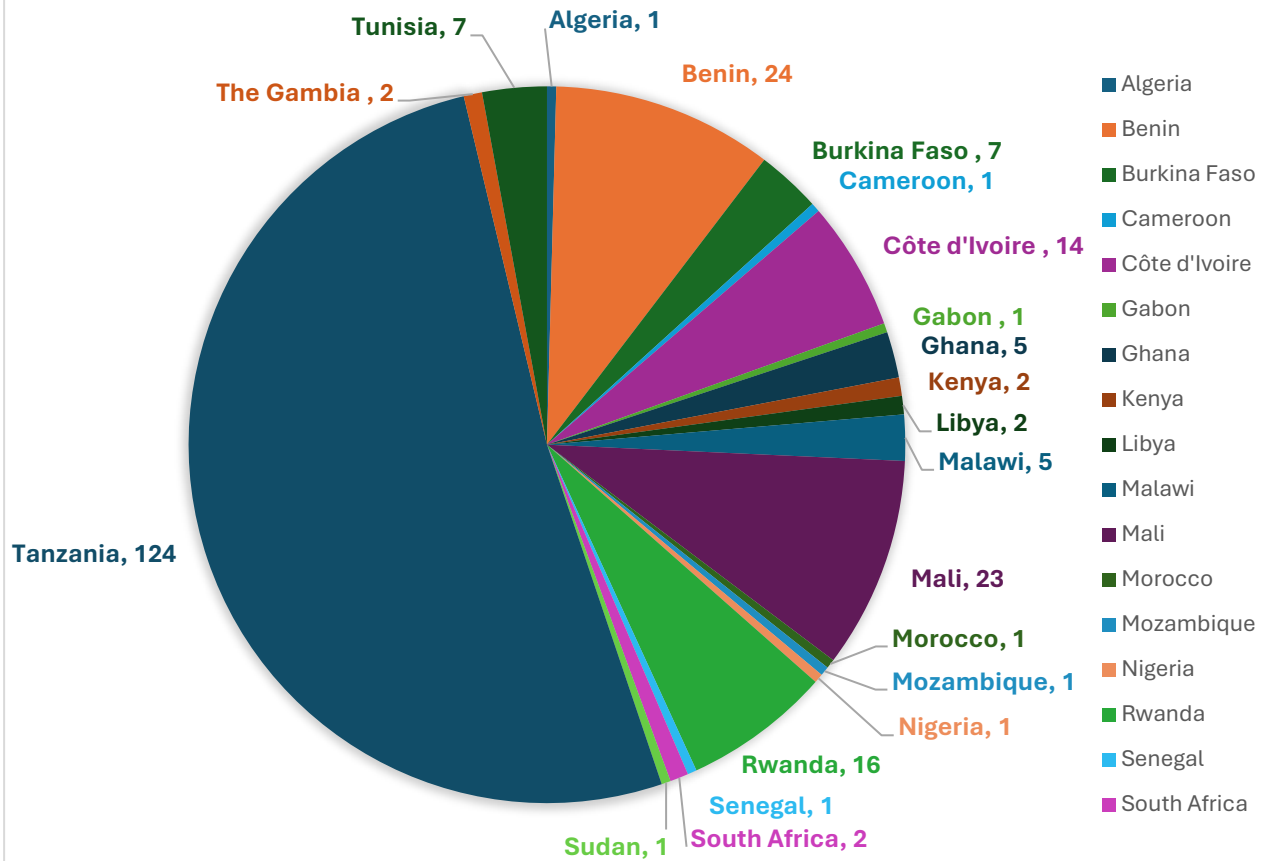
¹ The Court *receives* many more cases against AU Member States. However, since 2013 the Court has decided not to *register* cases any more that are filed against AU member states for which the Court manifestly has no jurisdiction to deal with those cases, principally because those AU member states have either not yet ratified the Protocol or deposited the Declaration to grant individuals and NGOs direct access to the Court.

² “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.

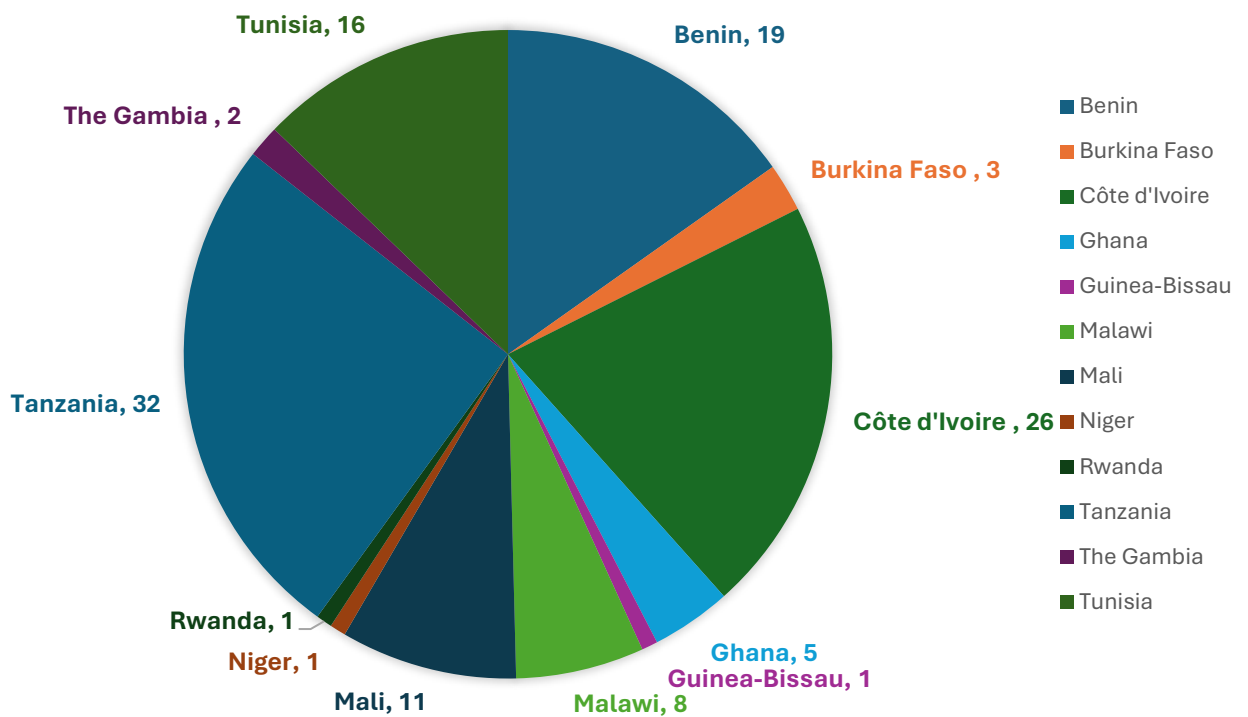
³ The non-state entities are: the African Union (2 cases), the Pan-African Parliament (1 case), the African Commission on Human and Peoples’ Rights (1 case) and the Inter-African Conference on Insurance Markets (CIMA) (1 case). These cases were declared inadmissible.

⁴ The implementation of the decisions 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 268,243,409 CFA.

CASES FINALISED AGAINST AU MEMBER STATES

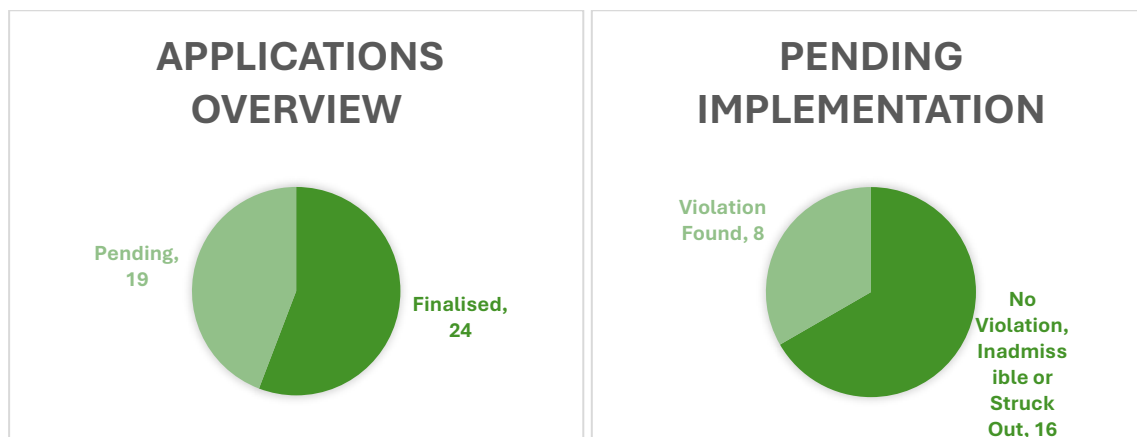


CASES PENDING AGAINST AU MEMBER STATES



II. COUNTRY SCORECARDS

1. Benin

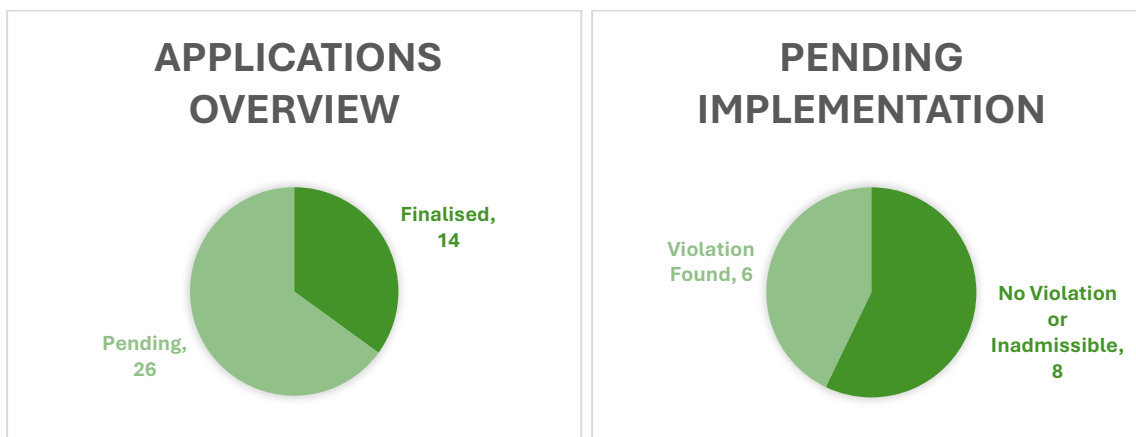


Applications in which a violation was found	013/2017 ; 059/2019 ; 062/2019 ; 065/2019 ; 003/2020 ; 010/2020 ; 024/2020 ; 028/2020
Violations Found:	<p>African Charter on Human and Peoples' Rights (Charter)</p> <ol style="list-style-type: none"> 1) Article 1 (Obligations of State Parties) 2) Article 2 (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)
Human Rights Reparations Pending Implementation:	<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. 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>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.

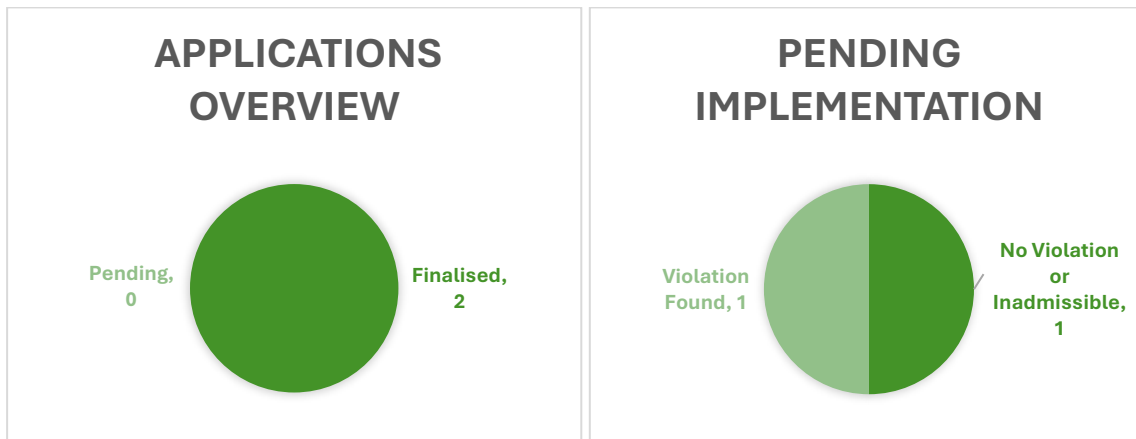
2. Côte d'Ivoire



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) Article 17 (Independent and impartial national electoral bodies) <p>ECOWAS Protocol on Democracy and Good Governance</p> <ol style="list-style-type: none"> Article 3 (Independence of electoral bodies) Article 6 (Transparent elections)

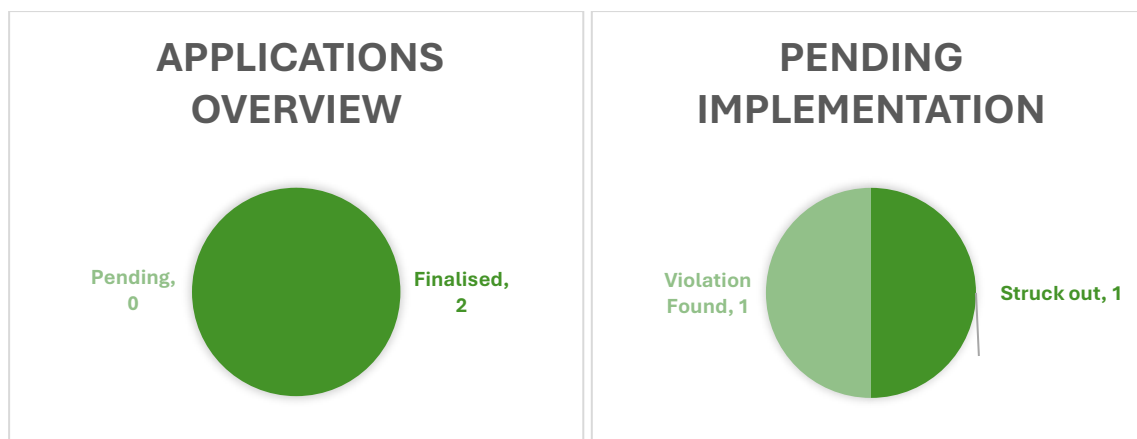
	International Covenant on Civil and Political Rights (ICCPR) <ol style="list-style-type: none"> Article 26 (Equal protection of the law)
Human Rights Reparations Pending Implementation:	<ol style="list-style-type: none"> Amend Law N° 2014-335 of 18 June 2014 on the Independent Electoral Commission (IEC) to align the said law with the respective human rights instruments to which it is a Party. 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. 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. 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. 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. 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. 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. 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. Submit a transparent public report on the use of the funds allocated to it under the MoU signed with TRAFIGURA. Conduct a general and updated national census of the victims. 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. Ensure that the victims receive medical and psychological assistance. Pay compensation to the respective human rights victims in the sum of 295,814,808 CFA.
Information on Implementation:	<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.</p>

3. Kenya



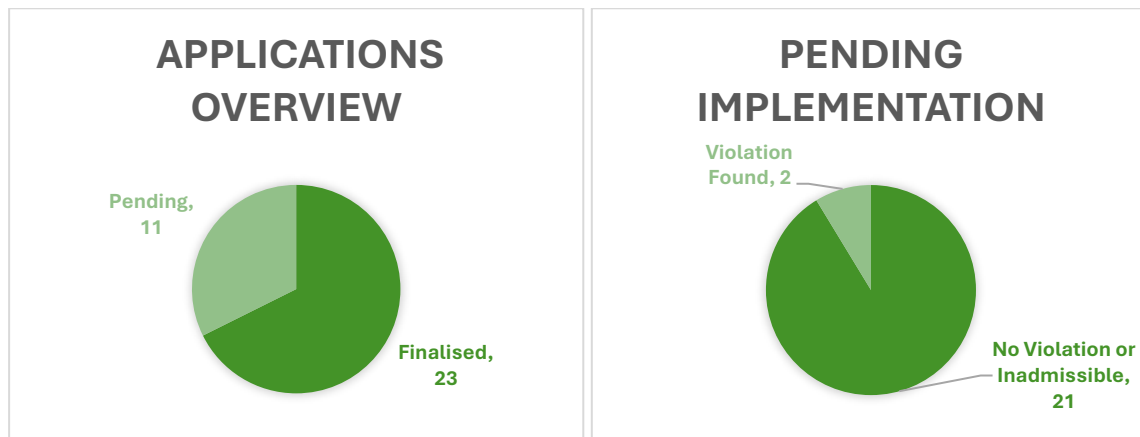
Applications in which a violation was found	<u>006/2012</u>
Violations Found:	African Charter on Human and Peoples' Rights (Charter) <ol style="list-style-type: none"> 1) Article 1 (Obligations of State Parties) 2) Article 2 (Non-discrimination) 3) Article 8 (Freedom of religion) 4) Article 14 (Property) 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 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. 3) Effectively ensure full recognition of the Ogiek people as an indigenous population of Kenya. 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. 5) Pay compensation to the respective human rights victims in the sum of 157,850,000 Kenyan Shillings.
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	<u>002/2013</u>
Violations Found:	African Charter on Human and Peoples' Rights (Charter) <ol style="list-style-type: none"> 1) Article 6 (Liberty, Security of person, Arbitrary arrest or detention) 2) Article 7 (Fair trial)
Human Rights Reparations Pending Implementation:	<ol style="list-style-type: none"> 1) 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.

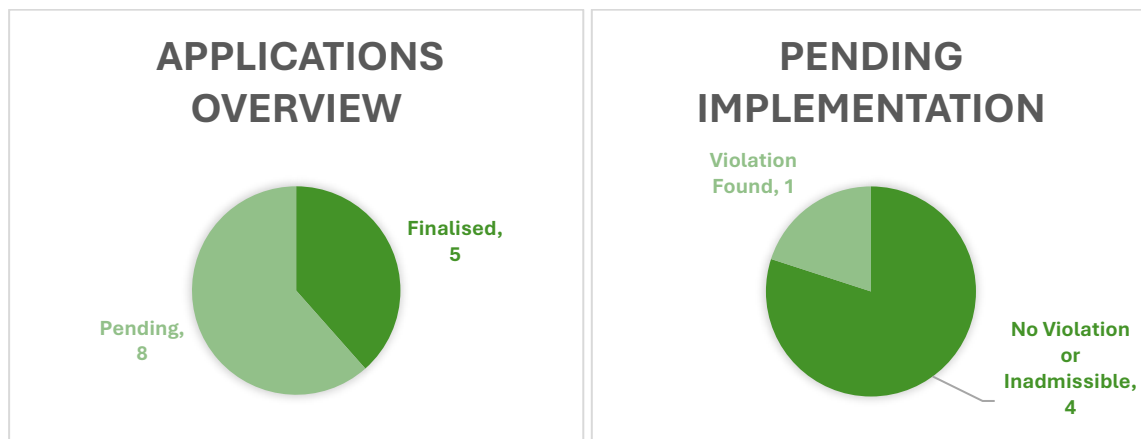
5. Mali



Applications in which a violation was found	<u>046/2016</u> ; <u>029/2018</u>
Violations Found:	<p>African Charter on Human and Peoples' Rights (Charter)</p> <ol style="list-style-type: none"> Article 7 (Fair trial) Article 26 (Independence of the judiciary) <p>African Charter on the Rights and Welfare of the Child</p> <ol style="list-style-type: none"> Article 1 (Obligations of State Parties) Article 2 (Definition of a child) Article 3 (Non-discrimination) Article 4 (Best interests of the child) 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"> Article 2 (Elimination of discrimination against women) Article 6 (Marriage) Article 21 (Inheritance) <p>African Charter on Democracy, Elections and Governance (ACDEG)</p> <ol style="list-style-type: none"> Article 17 (Independent and impartial national electoral bodies) <p>ECOWAS Protocol on Democracy and Good Governance</p> <ol style="list-style-type: none"> Article 3 (Independence of electoral bodies) <p>International Covenant on Civil and Political Rights (ICCPR)</p> <ol style="list-style-type: none"> Article 14 (Fair trial)

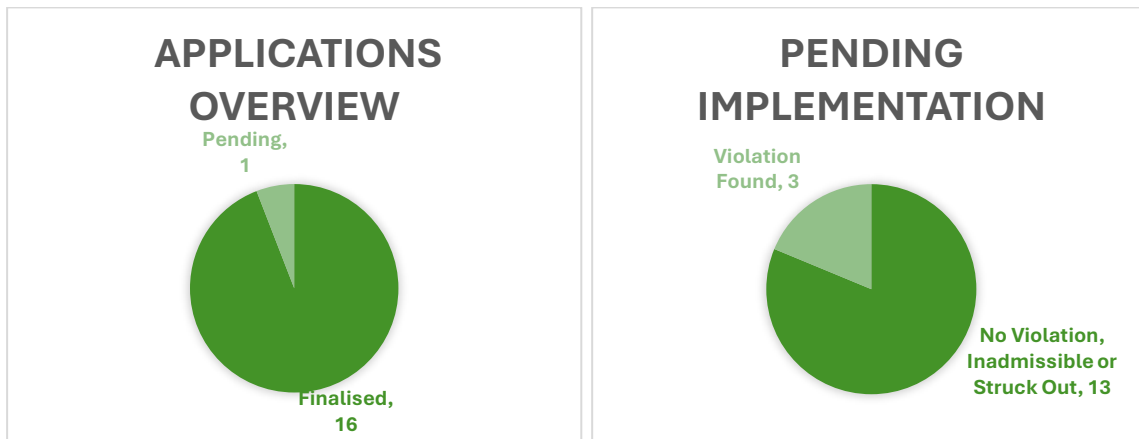
	Convention on the Elimination of all Forms of Discrimination against Women (CEDAW) <ol style="list-style-type: none"> 1) Article 5 (Elimination of prejudices) 2) Article 16 (Marriage)
Human Rights Reparations Pending Implementation:	<ol style="list-style-type: none"> 1) Amend the contested Family Law 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. 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. 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. 4) Take all necessary measures to fully implement its obligation to guarantee the independence of the Constitutional Court. 5) Take all necessary measures, in any case before any election, to repeal Articles 27 and 28 of the electoral law. 6) Take all necessary measures to fully implement its obligation to establish and strengthen independent and impartial electoral bodies. 7) Pay compensation to the respective human rights victims in the sum of 1,000,000 CFA.
Information on Implementation:	No information available. No implementation report was received, despite reminders sent to that effect.

6. Malawi



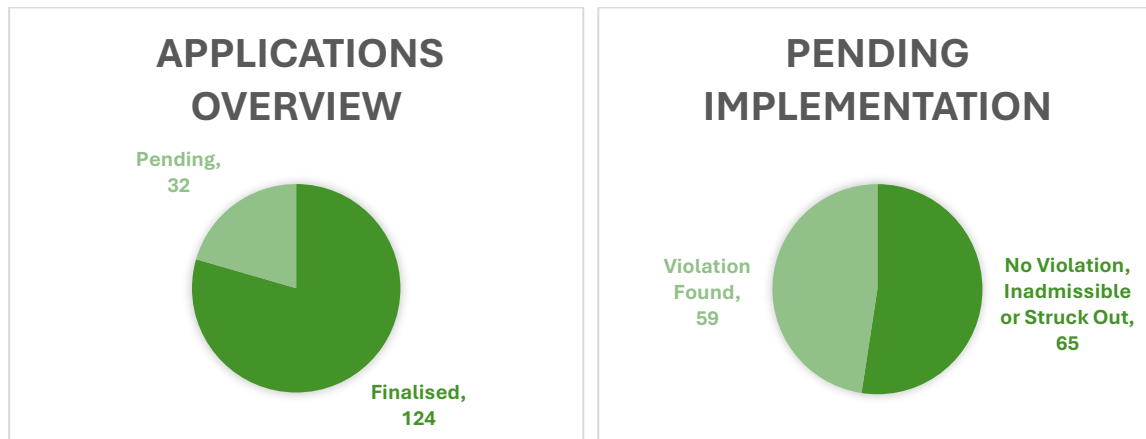
Applications in which a violation was found	<u>022/2017</u>
Violations Found:	African Charter on Human and Peoples' Rights (Charter) <ol style="list-style-type: none"> 1) Article 1 (Obligations of State Parties) 2) Article 3 (Equal protection of the law) 3) Article 7 (Fair trial)
Human Rights Reparations 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

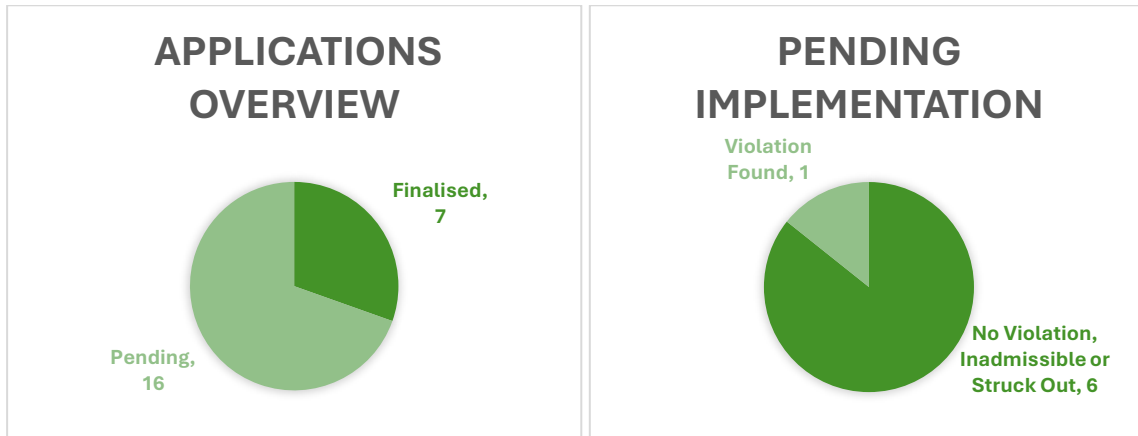


Applications in which a violation was found	<p>009 and 011/2011 ; 005/2013 ; 006/2013 ; 007/2013 ; 001/2015 ; 003/2015 ; 004/2015 ; 005/2015 ; 006/2015 ; 007/2015 ; 008/2016 ; 009/2015 ; 010/2015 ; 011/2015 ; 012/2015 ; 013/2015 ; 025/2015 ; 026/2015 ; 027/2015 ; 028/2015 ; 032/2015 ; 033/2015 ; 001/2016 ; 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 ; 017/2018 ; 018/2018 ; 029/2019 ; 011/2020 ; 039/2020</p>
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) 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)

	Universal Declaration of Human Rights (UDHR) 1) Article 15 (Nationality)
Human Rights Reparations Pending Implementation:	<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. 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. 13) Take all necessary measures to remove "hanging" from its laws as a method of execution of the death penalty. 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>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 unbailable 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 238,232,421 Tanzanian Shillings and 68,000 USD.</p>
Information on Implementation:	<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.</p>

9. Tunisia



Applications in which a violation was found	<u>017/2021</u>
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)
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 within two (2) years from the date of notification of this judgment. 7) Take all measures necessary for the operationalisation of an independent Constitutional Court and remove all legal impediments thereto within two (2) years from the date of notification of this judgment.
Information on Implementation:	No information available. No implementation report was received, despite reminders sent to that effect.

III. CONCLUSION AND RECOMMENDATIONS

5. **CONCLUSION:** 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 respective 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.
6. **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 distribute 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 consider taking the necessary steps to implement the respective Executive Council decisions to appoint national focal points, as applicable,⁵ 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.
 - 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.⁶ 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.

⁵ 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.

⁶ 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)).