

**THE CONSTITUTION
OF**

**THE COALITION FOR AN EFFECTIVE AFRICAN
COURT ON HUMAN AND PEOPLE'S RIGHTS**

Arusha, Tanzania
2007

CONSTITUTION OF THE COALITION FOR AN EFFECTIVE AFRICAN COURT ON HUMAN AND PEOPLE’S RIGHTS.

ARTICLE 1

INTERPRETATION

1.1 Subject to the express provisions of this constitution and unless the context otherwise requires; in this constitution:

- (a) **“African Court”** means the African Court on Human and People’s Rights.
- (b) **“The Coalition”** means the Coalition for an Effective African Court on Human and People’s Rights
- (c) **“Founder members”** or **“founders”** mean all persons who attended the first meeting adopting this constitution and who have signed as the first members of the organisation in the schedule which is attached to this constitution and shall enjoy the same rights and obligations as the Members, or as this Constitution specifies.
- (f) **“The Merged Court”** means the African Court of Justice and Human Rights.
- (g) **“Members”** means non-governmental organisations, national human rights institutions and individuals affiliated to the Coalition.
- (h) **“National Human Rights Institutions”** means national human rights institutions created in conformity with the *Paris Principles*.

ARTICLE 2

THE NAME, ADDRESS, NATURE AND IMMUNITY OF THE MEMBERS OF THE COALITION

- 2.1 The name of the organisation shall be the **“Coalition for an Effective African Court on Human and People’s Rights”** (which shall be referred to as the **African Court Coalition** or **Coalition**).
- 2.2 The Coalition will be registered in accordance with the laws of Tanzania, which deal with Non-Governmental Organisations.
- 2.3 The Registered Offices (Headquarters) of the Coalition will be in Arusha, Tanzania or in any African city where the Court will be located. The Coalition may also establish branches in other African countries.
- 2.4 The address of the Coalition shall be:-
P. O. Box 16769,
Arusha,
Tanzania.
- 2.5 The Coalition shall be non-profit making, non-governmental, non partisan, non-political, non-sectarian, non discriminatory.
- 2.6 The working languages of the Coalition shall be the working languages of the African Union.
- 2.7 The common seal shall be affixed in any documents in the presence of at least two members of the Executive Committee.

- 2.8 Every member of this Coalition or any employee or any person acting in the course of performance of the activities of this Coalition will not be subject to personal liabilities in view of anything done or committed in the course of implementing the objects of the coalition or performance of any activity connected thereto.

ARTICLE 3

LEGAL CAPACITY

3.1 Upon registration, the Coalition shall have the right to acquire, own, transfer, dispose of, encumber or alienate any movable or immovable property, to sue and be sued, to litigate before any domestic or regional courts and to open and operate bank accounts.

3.2 The Coalition shall raise funds to undertake its activities and fulfil its objectives.

3.3. Any income or assets acquired by the Coalition or on its behalf shall be used for the sole purpose of achieving its objectives. No property shall be transferred or paid directly or indirectly to members of the Coalition or other persons, save reasonable remuneration to other persons or member in return for services rendered.

ARTICLE 4

AIMS AND OBJECTIVES OF THE COALITION

4.1. The objectives of the Coalition are to:

- 4.1.1. Promote the protection of human and peoples' rights in Africa.
- 4.1.2. Promote public awareness on the African human rights protection system.
- 4.1.3. Promote the ratification of the protocol establishing the African Court.
- 4.1.4. Promote the rights of individuals, groups and non-governmental organisations to refer matters directly to the African Court (or the Merged Court once established).
- 4.1.5. Advocate for a transparent process for the nomination and election of candidates to the African Court (or the Merged Court once established), which guarantees a equitable representation of the African judicial systems and gender both in the nomination and election of judges.
- 4.1.6. Advocate for full participation of civil society in the nomination of judges.
- 4.1.7. Provide technical support and free legal representation to victims wishing to make use of the African Court;
- 4.1.8. Provide technical support to the African Court;
- 4.1.9. Provide technical support and engage with the African Union Commission to improve the effectiveness of the African Court and the Merged Court.

4.2. Develop co-operation between the African Court and the Courts of Justice of Regional Economic Communities.

- 4.2.1. Monitor developments relevant to human rights protection and promotion at the African Union and at the Courts of Justice of Regional Economic Communities.
- 4.2.2. To increase collaboration between non-governmental organisations and inter-governmental organisations working for an effective African Court and Merged Court.
- 4.2.3. To contribute to the reinforcement of the independence and impartiality of the Judges, specifically through a transparent process of nomination and election.
- 4.2.4. To contribute to the drafting or review of rules of procedure that guarantees effectiveness of the African Court and promotes a complementary relationship between the African Court and other bodies in spearheading and standing for human rights protection in African continent.
- 4.2.5. To contribute to the creation of a proper and an enabling environment for the operation of the African Court.
- 4.2.6. To contribute to the development of legal precedents, jurisprudence promoting greater protection of human rights in Africa through initiating and supporting litigation before the African Court.
- 4.2.7. To increase the capacity of legal practitioners and professionals to litigate on human rights cases before the African Court and provide advice to lawyers and non-governmental organisations on strategy, procedure and the substance of litigation before the African Court.
- 4.2.8. To litigate before the African Court.
- 4.2.9. To contribute to the effective implementation of the decisions of the African Court.
- 4.3.0. To disseminate information to the public on the mandate, jurisdiction, procedures, decisions and rulings of the African Court.

ARTICLE 5

MEMBERSHIP

- 5.1. The Coalition is an independent entity composed of individuals, non-governmental organisations and national human rights institutions engaged in the promotion and protection of human rights, which shall be admitted on written application to the Executive Committee.
- 5.2. Members may attend General Assembly meetings.
- 5.3. Members do not become liable for any of the obligations and liabilities of the Coalition solely by virtue of their status as members of the Coalition.
- 5.4. The Executive Committee shall have the sole power to expel members from the Coalition.
- 5.5. The Executive Committee shall determine the criteria for admission and expulsion of members.

ARTICLE 6

ORGANS OF THE COALITION

6. The Coalition shall be made up of the following bodies:

- 6.1. General Assembly
- 6.2. Advisory Committee
- 6.3. Executive Committee
- 6.4. Focal Points
- 6.5. Secretariat
- 6.6. Sub-committees

Article 7

THE GENERAL ASSEMBLY

- 7.1 The General Assembly shall be the supreme organ of the Coalition.
- 7.2. The General Assembly shall be composed of all the members of the Coalition.
- 7.3. The rules of procedure of the Executive Committee shall determine the criteria of representation of members at the General Assembly
- 7.4. The General Assembly shall meet once every three years in ordinary session. It may decide to organise extraordinary sessions when necessary. The rules of procedure shall determine the conditions for convening such sessions.
- 7.5. The General Assembly shall decide on general policy and determine priority issues of the Coalition. It shall receive and consider the activity report of the Executive Committee and the financial statements of the Coalition.
- 7.6. The General Assembly shall elect members of the Executive Committee every three years.
- 7.7. No two representatives from the same organisation shall be elected onto the Executive Committee.
- 7.8. The General Assembly shall elect its Chairperson and Deputy Chairperson from the elected members of the Executive Committee. The Chairperson shall preside over the General Assembly. In the absence of the Chairperson, the Deputy Chairperson shall preside over the General Assembly.

Article 8

THE ADVISORY COMMITTEE

- 8.1. The Advisory Committee shall comprise nine (9) individuals, six of whom shall be from Africa, based on regional representation and gender parity, and three from the African Diaspora.

8.2. Members of the Advisory Committee shall be persons of integrity with experience in the field of human rights in general; extensive knowledge of the African system for the promotion and protection of human rights or comparative knowledge of other regional systems and interest in the African Court.

8.3. In selecting members of the Advisory Committee, the Executive Committee may also appoint people who have participated in the establishment of the Coalition and/or contributed to its development.

8.4. The members of the Advisory Committee shall be chosen by the Executive Committee of the Coalition for a mandate of two (2) years renewable once.

8.5. The role of the Advisory Committee shall be:

- (a) to develop the strategic direction of the Coalition;
- (b) to advise the Executive Committee on policies to be adopted, initiatives and actions to be undertaken in order to increase the effectiveness of the African human rights system;

8.6. Members of the Advisory Committee shall perform their duties without remuneration.

8.7. The Advisory Committee shall meet at least once every two years.

8.8. The modalities for appointment and organisation of meetings of the advisory Committee shall be as provided for by the rules of procedure of the Executive Committee.

Article 9

THE EXECUTIVE COMMITTEE

9.1. This Executive Committee shall comprise of nine (9) members including the Chairperson and Deputy Chairperson.

9.2. The Chairperson's role shall include calling and chairing the meetings of the Executive Committee and supervising, between meetings, the implementation by the Secretariat of the decisions taken by the Executive Committee.

9.3. The Chairperson of the Executive Committee shall serve for a non-renewable period of three years.

9.4. The members of the Executive Committee shall be elected by secret-ballot every three (3) years. The members shall be eligible for re-election once only.

9.5. The Executive Committee shall meet at least twice a year.

9.6. A quorum for meetings of the Executive Committee shall comprise five (5) members.

9.7. The Executive Committee shall be responsible for the oversight and monitoring of the management and administration of the Coalition. The Executive Committee shall:

- (a) Determine the membership status of the Coalition;
- (b) Select the members of the Advisory Committee;
- (c) Appoint the Executive Secretary;
- (d) Approve the annual budget and strategic plans;

- (e) Submit activity reports and financial statements of the Coalition to the General Assembly.
- (f) Monitor the functioning of the focal points and may remove a focal point where the latter is not undertaking its activities in accordance of the policies and work-plan of the Coalition.

9.8. The Chairperson and four members of the Executive Committee shall convene a meeting of the Executive Committee.

9.9. The Chairperson or the Deputy Chairperson, at the request of or when the former is unavailable, may issue statements of behalf of the Coalition.

9.10. The Executive Committee may form sub-committees from time to time. Decisions of such sub-committees shall be subject to ratification of the Executive Committee.

9.11. The Executive Committee shall institute legal proceedings on behalf of the Coalition.

9.12. Subject to any express provision of this Constitution the power to make day to day rules are vested in the Executive Committee, subject to the approval of the General Assembly.

9.13. The Executive Committee shall, in its rules of procedure determine conditions and modalities for filling vacancies.

Article 10

THE FOCAL POINTS

10.1. The Coalition shall establish Focal Points as determined by the General Assembly, which shall not constitute legal entities distinct from the Coalition and shall undertake to do the following:

- (a) To develop and submit annual work plans for approval of the Executive Committee, which shall be incorporated into the work plans of the Coalition.
- (b) To develop and implement the activities and programmes of the Coalition in the sub region and in relation with the Co-ordinating Committee of the African National Human Rights Institutions.
- (c) To undertake activities aimed at raising awareness and building capacity
- (d) To undertake fundraising activities in collaboration with the Secretariat of the Coalition. The funds raised by the focal points for the Coalition's activities shall be deemed to have been raised in the name of the Coalition
- (e) To encourage new members to join the Coalition;
- (f) To encourage the States to adopt new legislation with a view to implementing the commitments to which they subscribed by ratifying the Protocol on the African Court.
- (g) To assist in the identification of important cases and issues for litigation before the African Court.
- (h) In collaboration with the Secretariat, to monitor the implementation the decisions of the Courts of justice of the regional Economic Communities, the African Commission on Human and Peoples' Rights and the Committee on the Rights and Welfare of the Child.
- (i) To report quarterly to the Secretariat on the activities undertaken to implement the work plan of the Coalition.

10.2. There shall be five geographical focal points of Africa, namely East Africa, Southern Africa, West Africa, Central Africa, North Africa and others as may be determined by the General Assembly.

10.3. The Focal Points shall be accountable to the Executive Committee.

Article 11

THE SECRETARIAT

11.1. A Secretariat shall be established to organise a day-to-day management of the activities of the Coalition.

11.2. The Secretariat of the Coalition shall be headed by an Executive Secretary appointed by the Executive Committee, whose functions are to:

- (a) Develop work-plans for the approval of the Executive Committee;
- (b) Implement the programmes of the Coalition;
- (c) Supervise the fundraising activities of the Coalition;
- (d) Prepare budget and strategic plans;
- (e) Represent the Coalition;
- (f) Co-ordinate the activities of the focal points;
- (g) Manage the human resources of the Secretariat.
- (h) Undertake any other functions as determined by the Executive Committee.

ARTICLE 12

SUB-COMMITTEES

The Executive Committee may establish sub-committees as and when required in order to implement the aims and objectives of the Coalition.

ARTICLE 13

AMENDMENT OF THE CONSTITUTION

13.1. Any member or body of the Coalition may submit a proposal to amend the Constitution in writing to the Executive Committee in accordance with provisions provided for in the rules of procedure.

13.2. Any proposal for amendment shall be supported by at least 1/3 of members present and voting for it to be submitted to the General Assembly for consideration.

13.3. The Executive Committee shall give notice for convening a meeting.

13.4. The Executive Committee shall, in its notice, include the proposed amendment.

ARTICLE 14

DISSOLUTION OF THE COALITION

14.1 The Coalition shall be dissolved by a resolution at a General Assembly meeting at which at least two thirds of the votes cast support the motion of dissolution.

14.2 Notice of dissolution shall be given not later than thirty days before a General Assembly meeting.

14.3 Upon the winding up and dissolution of the Coalition, the assets of the Coalition remaining after the fulfilment of obligations and liabilities shall be given or transferred to such other organisation as agreed upon by the Executive Committee.

ARTICLE 15

TRANSITIONAL PROVISIONS

15.1. Notwithstanding any provision in this Constitution, all persons present at the first meeting called for the adoption of the Constitution shall be eligible to become Members without following the procedures for admission, provided they fulfil the required qualifications.

15.2. The first general meeting after the adoption of the Constitution shall constitute the General Assembly of the Coalition and shall elect from within itself the members of the Executive Committee and office bearers of the Coalition.

SIGNED BY THE MEMBERS OF EXECUTIVE COMMITTEE

<u>SERIAL NO.</u>	<u>NAME OF MEMBER</u>	<u>SIGNATURE</u>
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