



African Court Coalition
1st Stakeholders' Platform on the Margins of the 76th Ordinary Session
of the African Court on Human and Peoples' Rights



DATE: 30 January 2025 – 3 February 2025

PLACE: Arusha, Tanzania

CONTEXTUAL BACKGROUND

For African citizens to benefit from the existence of the African Court on Human and Peoples' Rights (the African Court), access to the Court should not be a major problem, and when access is guaranteed, compliance with its decisions should follow course. This is because central to the effectiveness of any regional human rights organ is access, and compliance of decisions by State Parties.

The African Court was established to complement the protective mandate of the African Commission on Human and Peoples' Rights (the Banjul Commission) by strengthening the human rights protection system in Africa and ensuring respect for and compliance with the African Charter on Human and Peoples' Rights, as well as other international human rights instruments through judicial decisions. The African Court which is the judicial arm of the African Union (AU) was established by virtue 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 (the Court Protocol). It was adopted on 9 June 1998 in Ouagadougou, Burkina Faso, and entered into force on 25 January 2004. The Court started its operations in the year 2006 in Arusha, Tanzania where it has its permanent seat.

Twenty years after the adoption of the Court Protocol, a significant number of African citizens are still not able to access the African Court directly due to a very low number of countries that have deposited Article 34(6) Declaration of the Court Protocol to allow direct access to the African Court for individuals and Non-Government Organizations (NGOs) with observer status before the Banjul Commission. Out of the 34 countries that have ratified the Court Protocol, only eight countries have deposited Article 34(6) declaration, these are; Burkina Faso, Ghana, Guinea Bissau, The Gambia, Mali, Malawi, Niger and Tunisia. And in the span of four years between 2016 and 2020, four (4) States withdrew from Article 34(6) declaration, limiting direct access to the African Court for individuals and NGOs, these are; Rwanda, Tanzania, Benin and Cote d'Ivoire. This poses a great challenge to the mandate of the African Court and makes it increasingly challenging for victims of human rights violations to access justice and seek reparations when they are not satisfied with local remedies. Although indirect access to the African Court for NGOs exists through referrals of cases from the Banjul Commission to the African Court, such avenue has been limited in scope and efficacy.

Nevertheless, compliance with the decisions of the African Court by State Parties is another key challenge that not only affects the effectiveness of the Court, but also victims of human rights violations from obtaining reparations. Implementation of the African Court decisions currently stand at less than 10%.

While there are continuing separate efforts by different stakeholders towards enhancing the effectiveness of the African Court, the Coalition believes that a convening that brings together diverse stakeholders is more ideal to exchange ideas and deliberate on the roles and strategies that can be adopted to enhance direct access to the African Court for individuals and NGOs, as well as discussions around enhancing implementation of decisions of the African Court.

OBJECTIVE

The objective of the Stakeholders' Platform is to bring together diverse stakeholders to discuss on various matters that are pertinent to the mandate of the African Court, and facilitate concerted efforts that will enhance the effectiveness of the Court, and that of the African Human Rights system in general. The Platform will also serve as an open space to constructively engage with the African Court.

WHAT THE STAKEHOLDERS' PLATFORM SEEKS TO ACHIEVE

The Stakeholders' Platform seek to achieve the following long-term results;

- 1) Increase access to the African Court for African citizens and NGOs
- 2) Strengthen implementation of decisions of the African Court by State Parties to the African Court Protocol.
- 3) Integration of the jurisprudence of the African Court at national and regional level.
- 4) Foster systematic conversations around obligations of the AU Members States and the AU relevant organs, and their respective roles in the effectiveness of the African Court.
- 5) Strengthen complementary relationship between the African Court, the Banjul Commission and the African Committee of Experts on the Rights and Welfare of the Child (ACERWC).
- 6) Contribute to the effectiveness of the African Court by monitoring its developments, share constructive ideas, and encourage stakeholders' initiatives that are beneficial to the positive developments of the Court.

THEMATIC FOCUS

The 1st Stakeholders' Platform will serve as a pilot phase to explore key issues that are central to the effectiveness of the African Court which are;

- 1) Access to the African Court for individuals and NGOs; and
- 2) Implementation of decisions of the African Court.

The Platform will also be used to hold a consultative session to explore ideas that will shape up subsequent Stakeholders' Platforms.

A session dedicated to the 2025 AU theme, "*Justice for Africans and People of African Descent Through Reparations*" will also be included in the discussions.

The structure of discussions will be through panel sessions of which all participants will have an opportunity to participate and contribute in.

PROPOSED PROGRAM FOR THE STAKEHOLDERS' PLATFORM

Arrival of participants to Arusha: 29 January 2025
Day 1 – Day 2: 30 – 31 January 2025
Panel 1: Advocacy for the deposit of Article 34(6) Declaration of the Court Protocol by State Parties: Potential role for CSOs and the role of Champion States
Panel 2: Ongoing recommendations under the AU Reforms to amend Article 5.1 & Article 34.6 of the Court Protocol to enhance access for Individuals, NGOs and the ACERWC
Panel 3: *NGOs access to submit applications for Advisory Opinion to the African Court. *Advisory Opinion of the African Court: Unutilized opportunity by State Parties?
Panel 4: Review of the Implementation and Monitoring framework of the African Court and its adoption status by the AU Executive Council.
Panel 5: Reparations philosophy of the African Court.
Panel 6: The AU 2025 Theme on Reparative Justice; “ <i>Justice for Africans and People of African Descent Through Reparations</i> ”
Day Three – 1 February 2025: A Consultative session to exchange ideas and recommendations to shape up subsequent Stakeholders’ Platforms.
Day Four - 2- February 2025: Networking Event to enhance cooperation among stakeholders
Day Five – 3 February 2025: Participation to the opening of the judicial year of the African Court.

EXPECTED OUTCOMES

A report that documents the proceedings and events of the Platform will be compiled and shared within 30 days after concluding the Platform.

Other outcomes may include one or more of the following;

- i) Key realistic short-term and long-term action points that can be implemented by stakeholders to progressively improve access to the African Court and enhance implementation of decisions of the Court.
- ii) Recommendations to be considered by key stakeholders that include State actors, the African Court, the Banjul Commission, the ACERWC and other relevant AU organs in order to strengthen the African Human Rights system.
- iii) Formation of working groups that may want to undertake various tasks as will be recommended during the stakeholders Platform.
- iv) Identification of key areas relevant to the work of the Court that may require further research studies in order to develop knowledge products that will be beneficial to the work of the Court.

LANGUAGE

The Stakeholders’ Platform will be conducted with simultaneous interpretation in English, Portuguese and French.

PARTICIPANTS

The platform is open to a diverse group of stakeholders, namely:

- Civil Society Organisations
- State actors
- National Human Rights Institutions
- Legal practitioners and law societies
- The academia
- African Human Rights organs and other organs of the African Union Commission
- International Human Rights organs and tribunals of regional economic communities
- Members of national judiciaries
- Development partners with a focus on Human Rights
- Journalists with interest in human rights

REGISTRATION

Participants to the Stakeholders' Platform are required to pay a subsidized registration fee of USD 350. The registration fee contributes to the expenses related to the organization of the Platform that includes;

- Venue/Conference package which includes costs for a conference room; tea/coffee breaks, lunch, and stationeries;
- Simultaneous interpretation
- Documents translation
- Printing of Agenda booklets and participants badges
- Costs related to the networking event
- Administrative support related to the organization of the Platform.

SIDE EVENTS

If participants are interested in organizing side events after completion of panel discussions, you are advised to liaise with the Coalition Secretariat earlier in advance, at least a week before the beginning of the Platform for the Secretariat to provide advice and necessary technical support that may be needed. Please note that costs for side events are not included in the registration fee.

ENTRY VISA TO TANZANIA

Participants should make sure they check their visa status and make all the necessary arrangements earlier in advance. Participants from nationalities that require referral visa to enter Tanzania should inform the Coalition Secretariat at least 5 weeks before the Stakeholders' Platform so that we can provide assistance and facilitate the issuance of visa. The Coalition Secretariat will also issue invitation letters to participants who need such for visa applications.

Please visit the Tanzania Immigration e-service system to check your visa requirements on this link: <https://eservices.immigration.go.tz/visa/>

For delegates requiring a referral visa, please complete the online form, make payment and submit your application online 4 weeks before the event. Notifications of your application status will then be sent to your email, please check your email spam box if you do not receive a notification within 7 business days of the application date. You can also track your application status through the online system.

ACCOMODATION

Participants are required to make arrangements and cover for their accommodation costs throughout their stay in Arusha. The Coalition Secretariat will provide participants with a list of hotels that we have agreed on the negotiated rates, and participants can choose their preferred hotels from the list.

AIRPORT TRANSFER

Participants are required to cover the costs of their airport transfer. The Coalition can however assist in arranging airport pick-up and drop-off for individuals or groups on request, provided the request is sent earlier in advance, at least 7 days before arrival date and 48 hours before departure date.