

OUTCOME DOCUMENT

AFRICAN COURT COALITION STAKEHOLDERS' PLATFORM ON THE MARGINS OF THE 76TH ORDINARY SESSION OF THE AFRICAN COURT ON HUMAN AND PEOPLES' RIGHTS



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Introduction

From 30 January to 3 February 2025, the Coalition for an Effective African Court on Human and Peoples' Rights (African Court Coalition) convened its first Stakeholders' Platform that brought together diverse actors to discuss issues relevant to the mandate of the African Court on Human and Peoples' Rights (the African Court/the Court) and to facilitate concerted efforts aimed at enhancing the efficiency of the Court as well as the African human rights system in general. The Platform will serve as an open space for constructive dialogue on the challenges facing the African human rights system in general and the African Court in particular. The Platform was attended by civil society organizations, representatives from the African Court, academics, state actors, representatives from National Human Rights Institutions, representatives from organs of the African Union, regional bar associations and development partners.

The delegates felt greatly honoured to participate in the inaugural installment of the Platform and took the decision to make it an annual event. The deliberations stressed the importance of collaborating with the African Court to improve access to justice for Africans and to strengthen the effectiveness and efficiency of the Court. Participants also appreciated the establishment of a permanent and institutional space for dialogue and the exchange of best practices, while insisting on the need to continue these exchanges to address the specific challenges faced by African civil society on the ground.

The representatives of the African Court highlighted their commitment to working in partnership with the African Court Coalition and the various actors present, with the aim of identifying challenges and opportunities and developing strategies to enhance the efficiency of the African Court. They also expressed their willingness to strengthen mechanisms of collaboration and cooperation with other African human rights bodies for better harmonization of efforts, such as civil society, national human rights institutions, academic institutions, and others.

On their part, development partners reaffirmed future support to the African Court Coalition in the establishment of the Platform and recognized its central role in promoting a stronger and more effective African human rights system.

They shared their experiences in mobilising resources to support the efforts of the African Court and other judicial mechanisms. They also highlighted the importance of continuous financial and technical support to ensure the sustainability and efficiency of the Platform's initiatives for a more concerted and better-targeted impact. They made a compelling call for urgent financial solutions within Africa to provide more adequate and better-allocated funding to support public interest litigation.

Also satisfying was the collective voice of stakeholders who expressed positive sentiments on the initiative, highlighting the importance of such a Platform to facilitate the sharing of expertise, encourage research and policy development, and promote a common understanding of the challenges facing the African human rights system. They also emphasized the need for strategic collaboration between academic research and practice to develop innovative and adaptive solutions to the problems that undermine the effectiveness of the African human rights system and particularly the African Court.

These sentiments demonstrate how the Platform is not a mere dreamland for Africans to envision the African human rights system they want, but a show of collective responsibility in achieving it. When historians take up their pens to write the history of the 21st century, they will recount the stories of those African heroines and heroes who stepped up to support an African institution that aluminates hope to African citizens through the adoption of reparations that are context-specific, gender responsive and rooted in rich African heritage and philosophy.

Topics discussed during the Platform

Discussions during the Platform delved into several issues, all of which were connected to the work of the African Court seeking to generate strategies that will enhance its efficiency and effectiveness. These topics are listed below:

- The role of CSOs, NHRIs, Champion States and other key stakeholders in enhancing efficiency and access to the African Court;
- The AU Reforms: A Need to amend Article 34.6 & Article 5.1 of the Court Protocol to enhance access for African citizens and the ACERWC;
- Advisory Opinion to the African Court: Challenges and Opportunities for CSOs, States and other Stakeholders;
- CSOs litigation initiatives: Leveraging synergies to strengthen strategic litigation and enhance engagement with the African Court including more engagements to address violations on the rights of women;
- The reparations approach of the African Court and its impact on States' Compliance;
- Enhancing Implementation of decisions through the African Court implementation framework: opportunities, challenges and possible interventions; and
- Discussions on the AU 2025 Theme on Reparative Justice; "Justice for Africans and People of African Descent through Reparations" AND the 2025 African Court theme "Advancing Justice through Reparations".

Take away messages

Consistent with the stakeholders' desire not to make the Platform a mere talk show but a forum for constructive discussions, brainstorming and adoption of practical strategies that, if implemented, will contribute to the African Court being a true premier institution for the protection of human rights in Africa, the following take away action points were proposed. Each stakeholder would assume the action points in respect of which they have a programming advantage. The proposals were as follows:

- Embark on advocacy and litigation initiatives to enhance access to the Court by supporting efforts to reform articles 34(6) of the African Court Protocol.
- Creatively exploit the complementarity relationship between the African Commission on Human and Peoples Rights (the Banjul Commission) and the African Court by utilising the unrestricted access to the Banjul Commission by filing cases before it and then request it to take the cases to the African Court under Rule 130 of the Rules of Procedure of the African Commission.
- Use the advisory jurisdiction of the African Court in lieu of direct access to the contentious jurisdiction and advance human rights jurisprudence on the continent.
- Support the AU-ECOSOCC in its efforts to have the Harmonised Accreditation Framework approved by Policy Organs as a path to mitigate the restrictive access to advisory jurisdiction under article 5(1) of the Protocol.
- Meanwhile, utilise the agency of other CSOs recognised by the AU Commission to submit request for advisory opinions to the Court.
- Establish synergies among stakeholders with expertise in strategic litigation sector and then build sustainable capacity for litigants and NGOs without the expertise to enable them identify, file and prosecute cases before the African Court.
- Pursue efforts to mobilise domestic or local funding for litigation alongside efforts to establish a global litigation fund to which all stakeholders can equally access the Fund based on objective criteria.
- Stakeholders involved in litigation should craft requests for reparations to the Court considering clarity of corrective measures; deference to State parties; prospects of compliance; context-specific factors among others.
- Adopt advocacy initiatives to support the African Court's efforts to have the Implementation Framework adopted by AU Policy Organs.
- Develop synergies and collaborations among stakeholders such as CSOs, NHRIs, academia, and AU human rights bodies (Banjul Commission and the African Child Rights' Committee) to urge States to implement decisions of the African Court.

- Mobilise stakeholders from grassroots communities in each country to build a momentum that ultimately feeds into the AU Agenda for the reparations for historical injustices suffered by Africans and people of African descent.
- Craft an Afro-centric and victim-centred reparations approach that takes into account the 5-pronged typology of reparations as already established in international law and practice.
- Ensure legal systems (both binding and non-binding regional bodies) adequately address or reflect unique experiences and challenges faced by women and girls and other marginalised communities and utilise gender perspectives in judgments, advisory and communication to promote, safeguard and enhance protection for women and girls and subsequent remedies that promote the very principle of justice.

In summary, the Stakeholders' Platform held on the margins of the 76th Ordinary Session of the African Court served as a crucial forum for dialogue and collaboration among various actors. The shared impressions from civil society organizations, state actors, the African Court, the academia, development partners, and other stakeholders highlight the importance of such a platform in strengthening the African human rights system. With a clear vision going forward, this Platform has laid a solid foundation for continued cooperation and innovation, aiming for a future where the African human rights system is stronger, more independent, and more responsive to the needs of its diverse people.

THE FUTURE OF THE STAKEHOLDERS' PLATFORM

There was a general consensus that the Platform should become an annual feature and below are recommendations made by stakeholders for subsequent Platforms;

- The need to get more lawyers in Africa to participate in the Platform.
- Promote the participation of more State lawyers/attorneys in the future.
- The need for participation of more bar associations.
- Promote representation of more AU organs.
- The need to promote participation of journalists and media houses to the Platform.
- Consider/review costs (fees) for participation.
- There is need for more development partners to participate in the Platform.
- Consider how to properly infuse the AU Theme of the Year but not allow it to overshadow the event so as to not lose focus on the objective of the Platform which is established to focus on discussions around the effectiveness of the African Court.
- The need for more preparations before the Platform e.g., research into new judgments; status of implementation; number of ratifications and driving factors behind these.
- The need to establish a permanent panel discussion in each Platform to review and discuss the Court's case laws of the previous year.
- Need to see more representation of stakeholders from countries that have ratified the African Court Protocol.
- The Platform should be more inclusive with regional representation from across the continent.
- How are we engaging during the inter-session period.
- Continue allocating enough time for plenary.
- Inclusion of local young lawyers/universities in future Platforms.
- Have a think-tank group to work on the substantive agenda/organising committee working on the upcoming Platform.
- Training of trainers so they can train grassroots.
- Consider break-out sessions in the forthcoming Platforms.
- Be more intentional in infusing gender in terms of programme design; selection of experts and themes for discussions.
- Leverage the Arusha Initiative during the Platform to see what's coming up for elections at the AU Summit.
- Ensure Swahili is one of the workshop languages.
- Deliberate support to ACC in all its efforts to ensure responsibilities of the general membership are not attributed to the ACC secretariat.