



Coalition for an Effective African Court on Human and Peoples' Rights

Coalition pour une Cour Africaine Efficace des Droits de l'Homme et des Peuples

التحالف من أجل المحكمة الأفريقية لحقوق الإنسان والشعوب

Coligação para um Tribunal Africano Eficaz na Defesa dos Direitos Humanos e dos Povos

Mwongozo wa Maaafikiano ya Mahakama ya Afrika ya Haki za Binadamu

Tuesday, 1st November 2016

PRESSE RELEASE

THE COALITION FOR AN EFFECTIVE AFRICAN COURT ON HUMAN AND PEOPLES' RIGHTS IN LINE WITH THE RECENT WITHDRAWAL OF SOME AFRICAN STATES FROM THE INTERNATIONAL CRIMINAL COURT (ICC)

In light of the recent withdrawal of Burundi (11th October 2016), The Gambia (25th October 2016) and South Africa (21st October 2016) from the Rome Statute, the Coalition for an Effective African Court on Human and Peoples' Rights (the Coalition) recognizes the pertinent need for African states to secure access to justice for its citizens and to strengthen the various African human rights mechanisms in order to guarantee victims' rights and access to justice.

To this effect, the Coalition urges African States to ratify existing AU human rights instruments such as the Protocol to the African Charter on Human and Peoples' Rights on the establishment on an African Court on Human and Peoples' Rights (the Protocol)), to guarantee redress for victims of human rights violations on the African continent. Till date, out of 54 AU member states, only 30 have ratified the Protocol. These states include Algeria, Benin, Burkina Faso, Burundi, Cameroon, Chad, Côte d'Ivoire, Comoros, Congo, Gabon, Gambia, Ghana, Kenya, Libya, Lesotho, Mali, Malawi, Mozambique, Mauritania, Mauritius, Nigeria, Niger, Rwanda, Sahrawi Arab Democratic Republic, South Africa, Senegal, Tanzania, Togo, Tunisia and Uganda. However, ratification of the Protocol doesn't suffice as the Protocol and Rules of the African Court on Human and Peoples' Rights (AfCHPR) further provide that direct access to the AfCHPR by individuals and NGOs with observer status before the African Commission on Human and People's Rights (ACHPR), will be granted to citizens of member states that have made the declaration under Article 34 (6) of the same Protocol, accepting the AfCHPR's jurisdiction. Till date, only 8 states have made this declaration and they include Benin, Burkina Faso, Côte d'Ivoire, Ghana, Mali, Malawi, Rwanda and Tanzania. However in February 2016, Rwanda withdrew its acceptance of the Court's jurisdiction over individual and group complaints.

Given the limited number of states that have ratified the Protocol and made the Declaration accepting the AfCHPR's jurisdiction, individuals and NGOs with observer status before the ACHPR access to the

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EXECUTIVE COMMITTEE

Kenyan Section of International Commission of Jurists (chairperson); Rencontre Africaine pour la Défense des Droits de l'Homme (deputy chairperson); Tanganyika Law Society; Sudan Human Rights Monitor; Alliances for Africa; East Africa Law Society; Centre des Droits de l'Homme et de Développement; Southern Africa Litigation Centre; Zimbabwe Lawyers for Human Rights



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AfCHPR is equally very limited, with the AfCHPR throwing out many applications. This prevents citizens of these states from getting access to justice and seeking reparation under the law.

The Coalition would like to remind AU member states of their commitment to "promote and protect human and peoples' rights" in accordance with the African Charter on Human and Peoples' Rights and other relevant human rights instruments as per Article 3(h) of the Constitutive Act of the AU. The Coalition further reminds African leaders of their slogan 'African solutions to African problems' and that African human rights mechanism, such as the AfCHPR, have been established to address human rights issues in the Continent.

Therefore, taking into account that 2016 is the African Year of Human Rights as declared by AU Summit in January of 2014, the Coalition urges AU member states to support the work of the AfCHPR by ratifying the Protocol and making the Article 34(6) declaration accepting the AfCHPR's jurisdiction. This will in turn promote and strengthen African human rights mechanisms, by guaranteeing citizens of AU member states protection and redress under these mechanisms.

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