

**DECISION ON THE 2023 ACTIVITY REPORT OF THE AFRICAN COURT ON
HUMAN AND PEOPLES' RIGHTS (AfCHPR)**

The Executive Council,

1. **TAKES NOTE** of the Activity Report of the African Court on Human and Peoples' Rights (the Court) for the period 1 January to 31 December 2023.
2. **COMMENDS** the African Court and the Peoples' Democratic Republic of Algeria for the successful organization of the 71st Ordinary Session of the Court and the Sixth (6th) African Union Judicial Dialogue in Algiers, the People's Democratic Republic of Algeria, from 6 November to 4 December 2023, and 20 to 22 November 2023 respectively; and **TAKES NOTES** of the Final Communiqué adopted at the end of the Dialogue.
3. **CALLS** on the African Court to engage with the Commission and other relevant AU Organs and institutions, as well as relevant national and sub-regional institutions to ensure the effective implementation of the recommendations from the Dialogue.
4. **CONGRATULATES** the twenty (20) Member States that have appointed National Focal Points for the Court, namely: Algeria, Benin, Botswana, Burkina Faso, Burundi, Cameroon, Cape Verde, Central African Republic, Democratic Republic of Congo, Ghana, Madagascar, Malawi, Mauritania, Mauritius, Mozambique, Senegal, South Africa, Tanzania, Uganda and Zimbabwe, in conformity with Executive Council Decision EX.CL/Dec.1153(XL), adopted during the 40th Ordinary Session of the Executive Council, held from 2 - 3 February 2022, in Addis Ababa, Ethiopia, and **INVITES** those Member States that have not yet done so, to take steps to appoint their National Focal Points.
5. **NOTES WITH CONCERN** that more than two decades after its adoption, only thirty-four (34) Member States of the African Union have ratified the Protocol to the African Charter on Human and Peoples Rights on the Establishment of an African Court on Human and Peoples' Rights (hereinafter referred to as the Protocol), and only eight (8) of the 34 State Parties, have deposited the Declaration required under Article 34 (6) thereof, allowing individuals and NGOs to bring cases directly to the Court.
6. **CONGRATULATES** the thirty-four (34) State Parties to the Protocol, namely; Algeria, Benin, Burkina Faso, Burundi, Cameroon, Chad, Côte d'Ivoire, Comoros, Congo, Democratic Republic of Congo, Gabon, The Gambia, Ghana, Guinea Bissau, Kenya, Libya, Lesotho, Madagascar, Mali, Malawi, Mozambique, Mauritania, Mauritius, Nigeria, Niger, Rwanda, South Africa, Sahrawi Arab Democratic Republic, Senegal, Tanzania, Togo, Tunisia, Uganda and Zambia.

7. **FURTHER CONGRATULATES** the eight (8) State Parties that have deposited the Declaration under Article 34(6) of the Protocol, namely: Burkina Faso, Gambia, Ghana, Guinea Bissau, Malawi, Mali, Niger and Tunisia.
8. **INVITES** Member States that have not already done so, to accede to the Protocol, and to deposit the Declaration required under Article 34(6) of the Protocol.
9. **NOTES** with concern the low level of compliance with the decisions of the Court and **CALLS** for complete compliance with the Court's decisions by those Member States that have not done so.
10. **RECALLS** the recommendations made by the PRC during the Joint retreat between the PRC and the Court, held from 10 to 11 March 2022, Arusha, United Republic of Tanzania, requesting the Court, in collaboration with the AUC and relevant sub-committees of the PRC, to develop key performance indicators and targets regarding the protection of human rights on the continent for the next ten years of the Implementation of Agenda 2063, and to consider submitting, in accordance with the provisions of the Protocol, an amendment to Article 34(6) of the Protocol.
11. **CALLS** on the Commission, in collaboration with the Court and other relevant AU Organs and Institutions, to undertake a study on the state of compliance with decisions of AU human rights bodies, including in particular, the reasons for the low level of compliance, and make concrete recommendations to the Executive Council, on how to enhance Member States' compliance with such decisions.
12. **URGES** the Chairperson of the Commission, in conformity with previous Executive Council Decisions, that is, (EX.CL/Dec.973 (XXXI); (EX.CL/Dec.994 (XXXII); EX.CL/Dec.1044 (XXXIV); (EX.CL/Dec.1064 (XXXV); and (EX.CL/Dec.1079 (XXXVI)), to take all necessary measures to operationalize the Legal Aid Fund for AU Human Rights Organs, and to this end, **INVITES** and **ENCOURAGES** all Member States of the Union, as well as other relevant human rights stakeholders on the continent, to make generous voluntary contributions to the Fund to ensure its sustainability and success.
13. **COMMENDS** the United Republic of Tanzania for commencing the construction of the permanent premises of the Court.
14. **REQUESTS** the Court, in collaboration with the PRC and the AUC, to report at the next Ordinary Session of the Executive Council in June/July 2024, on the implementation of this Decision.