

ACHPR/Res.226 (LII) 2012 : RESOLUTION ON THE RATIFICATION 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 African Commission on Human and Peoples' Rights (the Commission), meeting at its 52nd Ordinary Session, held in Yamoussoukro, Cote d'Ivoire, from 9 to 22 October 2012;

Recalling its mandate to promote and protect human and peoples' rights under the African Charter on Human and Peoples' Rights (the African Charter),

Considering Article 2 of the Protocol to the African Charter on the Establishment of an African Court on Human and Peoples' Rights (the Court Protocol), which provides that the African Court on Human and Peoples' Rights (the African Court) shall complement the protective mandate of the Commission;

Recalling Resolutions ACHPR/Res.29 (XXIV) 98, ACHPR/Res.60 (XXXI) 02, ACHPR/Res.74 (XXXVII) 05, and ACHPR/Res.177 (CLXXVII) 10, which amongst other things call on States Parties to ratify the Court Protocol and make the Declaration under Article 36(4) of the Court Protocol to enable individuals and Non-Governmental Organizations (NGOs) to have direct access to the African Court;

Concerned that only twenty-six (26) countries have ratified the Court Protocol, while only five (5) have made the Declaration in conformity with Article 34(6) of the Court Protocol;

Underscoring the importance of an effective and accessible human rights African Court to the protection of human rights on the continent and complementarity of the Commission's mandate;

Bearing in mind that non-ratification of the Court Protocol and reluctance of States to make the Declaration impede the protection of human rights in Africa;

Once again urges all States Parties that have not yet done so, to ratify the Court Protocol;

Urges States Parties that have not yet done so, to make the Declaration under Article 34 (6) of the Court Protocol in order to give due recognition and competence to the African Court to receive petitions directly, from individuals and NGOs.

Adopted at the 52nd Ordinary Session of the African Commission on Human and Peoples' Rights in Yamoussoukro, Cote d'Ivoire, 9 to 22 October 2012