

**DECISION ON THE MID-TERM ACTIVITY REPORT OF THE AFRICAN
COURT ON HUMAN AND PEOPLES' RIGHTS
Doc. EX.CL/1029(XXXI)**

The Executive Council,

1. **TAKES NOTE** of the Mid-Term Activity Report of the African Court on Human and Peoples' Rights (the Court) for the period 1 January - 30 June, 2017, and the recommendations therein;
2. **NOTES** the request by the Court for more time to engage with other stakeholders to finalize the study on the establishment of a trust fund for the Court, and calls on the African Court, in consultation with the PRC and the Commission, to finalize the study and submit same to the January 2018 Session of the Executive Council;
3. **NOTES WITH CONCERN** the insufficient resources allocated to the Court which may affect its independence and effectiveness, and **CALLS ON** the Permanent Representatives Committee (PRC) and the Commission to work closely with the Court and provide it with the necessary resources it needs to effectively discharge its mandate without interference, including providing technical assistance, guidance and advise in resource mobilization, in a manner consistent with the nature and mandate of the Court;
4. **WELCOMES** the decision to establish a Legal Aid Fund to provide legal assistance to indigent applicants before African Union Human Rights Bodies, and **URGES** the Commission to take all necessary measures to operationalize the said Fund in 2017, 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;
5. **TAKES NOTE** of the firm undertaking by Libya to submit to the African Court before the next Ordinary Session of the Executive Council in January 2018, information on concrete measures it has taken to implement the judgment of the Court in Application No. 002/2013 - African Commission on Human and Peoples' Rights against Libya;
6. **NOTES** that, almost two decades after its adoption, only thirty (30) 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 ("Protocol") and only eight (8) of the 30 State Parties, have deposited the declaration required under Article 34 (6) thereof, allowing individuals and NGOs to bring cases to the Court;

7. CONGRATULATES:

- i) the thirty (30) Member States that have ratified the Protocol, namely; Algeria, Benin, Burkina Faso, Burundi, Cameroon, Chad, Cote d'Ivoire, The Comoros, Congo, Gabon, The Gambia, Ghana, Kenya, Libya, Lesotho, Mali, Malawi, Mozambique, Mauritania, Mauritius, Niger, Nigeria, Rwanda, South Africa, Sahrawi Arab Democratic Republic, Senegal, Tanzania, Togo, Tunisia and Uganda;
- ii) the eight (8) State Parties that have deposited the declaration under Article 34(6) of the Protocol, namely: Benin, Burkina Faso, Cote d'Ivoire, Ghana, Malawi, Mali, Tunisia and the United Republic of Tanzania;

8. INVITES those Member States that have not already done so, to accede to the Protocol and deposit the declaration required under Article 34 (6) of the Protocol;

9. EXPRESSES ITS APPRECIATION to the Government of the United Republic of Tanzania for the facilities it has placed at the disposal of the Court, and for the architectural designs for the construction of the permanent premises of the Court submitted to the Commission, and **URGES** the Government of the United Republic of Tanzania and the African Union Commission, in collaboration with the Court to take steps to ensure the expeditious construction of the premises, bearing in mind the structures of the African Court of Justice and Human and Peoples' Rights;

10. REQUESTS the Court:

- i) in collaboration with the PRC to finalize the study on the establishment of a Trust Fund and submit same to the Executive Council in January 2018;
- ii) in collaboration with the PRC and the AU Commission, to report at the next Ordinary Session of the Executive Council in January 2018, on the implementation of this Decision.