

DECISION ON THE 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 2021, and the recommendations therein; and commends the Court on the commemoration of the 15th Anniversary of its operationalization and for the work it has done over the past 15 years to develop important African human rights jurisprudence;
2. **RECALLS** its decision EX.CL/Dec. 1079 (XXXVI) adopted by the 36th Ordinary Session of the Executive Council held in Addis Ababa, Ethiopia, requesting the African Union Commission and the PRC, in collaboration with the Court, to undertake an in-depth study and present the legal and financial implications on the establishment of an African Judicial Network within the African Union structures.
3. **ALSO TAKES NOTE** of the Study presented by the Court, as well as the legal and financial implications on the establishment of an African Judicial Network within the structures of the African Union and **REQUESTS** their submission to the relevant Organs of the AU for consideration;
4. **CALLS ON** the AUC, in consultation with the African Court, to ensure the setting up of the network and its operationalization, within a reasonable time.
5. **NOTES WITH CONCERN** that two decades after its adoption, only thirty-two (32) Member States of the African Union have ratified the Protocol and only eight (8) of the 32 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-two (32) State Parties to the Protocol, namely; Algeria, Benin, Burkina Faso, Burundi, Cameroon, Chad, Cote d'Ivoire, Comoros, Congo, Gabon, The Gambia, Ghana, Guinea Bissau, Kenya, Libya, Lesotho, Mali, Malawi, Mozambique, Mauritania, Mauritius, Nigeria, Niger, Rwanda, South Africa, Sahrawi Arab Democratic Republic, Senegal, Tanzania, Togo, Tunisia and Uganda.
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** the twenty-three (23) Member States that have not already done so, to accede to the Protocol, and invites the twenty (20) State Parties to the Protocol that have not yet done so, to deposit the Declaration required under Article 34 (6) of the Protocol, and **REQUESTS** the Court to have a deeper appreciation of

reasons causing Member States to withdraw their declaration required under article 34 (6) and assure Member States that such reasons are no longer there.

9. **NOTES** with concern the low level of compliance with the Court's decisions and **CALLS** for complete compliance with the Court's decisions and **INVITES** each Member State to appoint a national focal point to ensure effective follow up on all matters relating to the Court, including on compliance with the Court's decisions.
10. **URGES** the Chairperson of the AUC, 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), to take all necessary measures to operationalize the Legal Aid Fund, 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.
11. **ALSO URGES** the Commission to expedite the processes of organizing the Joint Retreat between the PRC and Legal, Judicial, Quasi-judicial and Legislative Organs of the Union, with a view to considering the reform proposals for the said Organs.
12. **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 AUC, and **FURTHER URGES** the Government of the United Republic of Tanzania, the PRC and the African Union Commission, in collaboration with the Court, working under the framework of the Task Force established by decision EX.CL/Dec.994(XXXII), to take steps to commence the construction of the Court premises.
13. **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 2022, on the implementation of this Decision.