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EXECUTIVE COUNCIL

Twenty-Fifth Ordinary Session

20 – 24 June 2014

Malabo, EQUATORIAL GUINEA

EX.CL/857(XXV)

**REPORT OF THE ACTIVITIES OF THE AFRICAN COURT
ON HUMAN AND PEOPLES' RIGHTS
JANUARY – JUNE 2014**

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I. INTRODUCTION

1. The African Court on Human and Peoples' Rights (the Court) was established in terms of Article 1 of 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"), which was adopted on 9 June 1998 in Ouagadougou, Burkina Faso, by the then Organization of African Unity (OAU). The Protocol entered into force on 25 January 2004.

2. The Court, which became operational in 2006, is composed of eleven Judges and has its seat in Arusha, United Republic of Tanzania.

3. Article 31 of the Protocol provides that "[t]he Court shall submit to each regular session of the Assembly, a report on its work. The report shall specify, in particular, the cases in which a State has not complied with the Court's judgment". Consequently, in its decision EX.CL/Dec.806(XXIV), the Executive Council "[authorized] the Court to report on its activities at each regular session of the Executive Council in accordance with Article 31 of the Protocol relating to the African Court...".

4. This Report is, therefore the Mid-Year Activity Report of the Court summarising the work undertaken by the Court over the period January to June 2014. The report describes the judicial, administrative and promotional activities undertaken by the Court, as well as the implementation of decisions taken by the Executive Council, relating to the functioning of the Court.

II. Status of ratification of the Protocol and the deposit of the Declaration accepting the competence of the Court to receive cases from individuals and NGOs

5. As at the end May 2014, the Protocol establishing the Court had been ratified by twenty seven (27) Member States of the African Union, namely: Algeria; Burkina Faso; Burundi; Congo, Côte d'Ivoire; Comoros; Gabon; the Gambia; Ghana; Kenya; Libya; Lesotho; Malawi; Mali; Mauritania; Mauritius; Mozambique; Niger; Nigeria; Uganda; Rwanda; Sahrawi Arab Democratic Republic; Senegal; South Africa; Tanzania; Togo; and Tunisia. (See Table 1)

6. Of these 27 State Parties to the Protocol, only seven, namely: Burkina Faso, Cote d'Ivoire, Ghana, Malawi, Mali, Rwanda and Tanzania, have deposited the declaration accepting the jurisdiction of the Court to deal with cases from individuals and non-governmental organizations. (See Table 2)

Table 1: List of countries that have ratified the Protocol				
No.	Country	Date of Signature	Date of Ratification or Accession	Date of deposit
1.	Algeria	13/07/1999	22/04/2003	03/06/2003
2.	Burkina Faso	09/06/1998	31/12/1998	23/02/1999
3.	Burundi	09/06/1998	02/04/2003	12/05/2003
4.	Congo	09/06/1998	10/08/2010	06/10/2010
5.	Cote d'Ivoire	09/06/1998	07/01/2003	21/03/2003
6.	Comoros	09/06/1998	23/12/2003	26/12/2003
7.	Gabon	09/06/1998	14/08/2000	29/06/2004
8.	The Gambia	09/06/1998	30/06/1999	15/10/1999
9.	Ghana	09/06/1998	25/08/2004	16/08/2005
10.	Kenya	07/07/2003	04/02/2004	18/02/2005
11.	Libya	09/06/1998	19/11/2003	08/12/2003
12.	Lesotho	29/10/1999	28/10/2003	23/12/2003
13.	Malawi	09/06/1998	09/09/2008	09/10/2008
14.	Mali	09/06/1998	10/05/2000	20/06/2000
15.	Mauritania	22/03/1999	19/05/2005	14/12/2005
16.	Mauritius	09/06/1998	03/03/2003	24/03/2003
17.	Mozambique	23/05/2003	17/07/2004	20/07/2004
18.	Niger	09/06/1998	17/05/2004	26/06/2004
19.	Nigeria	09/06/2004	20/05/2004	09/06/2004
20.	Rwanda	09/06/1998	05/05/2003	06/05/2003
21.	Sahrawi Arab Democratic Republic	25/07/2010	27/11/2013	27/01/2014
22.	Senegal	09/06/1998	29/09/1998	30/10/1998
23.	South Africa	09/06/1999	03/07/2002	03/07/2002
24.	Tanzania	09/06/1998	07/02/2006	10/02/2006
25.	Togo	09/06/1998	23/06/2003	06/07/2003
26.	Tunisia	09/06/1998	21/08/2007	05/10/2007
27.	Uganda	01/02/2001	16/02/2001	06/06/2001

of Countries – 54, # of Signature – 52, # of Ratification – 27, # of Deposit - 27

Source: African Union Website.

Table 2: List of State Parties that have made the Article 34(6) declaration.			
No.	Country	Date of Signature	Date of deposit
1.	Burkina Faso	14/07/1998	28/07/1998
2.	Côte d'Ivoire	19/06/2013	23/07/2013
3.	Ghana	09/02/2011	10/03/2011
4.	Malawi	09/09/2008	09/10/2008
5.	Mali	05/02/2010	19/02/2010
6.	Rwanda	22/01/2013	06/02/2013
7.	Tanzania	09/03/2010	29/03/2010

Total # Seven (7)

Source: African Union Website

III. Current composition of the Court

7. The terms of Office of four of the Judges will expire in September 2014. While two of them are eligible for re-election (and have been duly nominated by their respective countries for re-election), the other two, that is, the President and the Vice President, have already served the maximum two terms allowed by the Protocol, and are thus not eligible for re-election. The current composition of the Court is attached to this Report as **Annex I**.

IV. Activities undertaken by the Court

8. During the period under review, the Court undertook a number of judicial as well as non-judicial activities.

i) Judicial Matters

9. The judicial activities undertaken by the Court relate to the receipt and handling of judicial matters, in particular, case management, organisation of public hearings and delivery of judgments and rulings.

10. From January to June, 2014, the Court received one new request for advisory opinion but did not receive any new Application. The number of applications received by the Court since its establishment remains at twenty-nine (29), while the number of requests for advisory opinion increased to seven (7).

a) Case Management

11. The Court continues to manage the applications and requests for advisory opinion that were pending before it.

12. During the period under review, the Court disposed of five (5) applications. This brings to twenty four (24) the total number of applications and to four (4) the total number of requests for advisory opinion, finalized by the Court.

13. It should be noted that the Court also finalized 2 applications for interpretation and review of judgment, as well as 1 application for Reparations.

14. Table 4 below shows the matters finalized by the Court during this period.

Table 3 – Matters finalized by the Court from January to June 2014

Contentious matters						
No.	Application No.	Applicant	Respondent	Date received	Date of Judgement/ Ruling	Remarks
1.	003/2011	Urban Mkandawire	Republic of Malawi	13/03/2011	28/03/ 2014	The Applications for interpretation and review of the Court's Judgment of 21 June 2013 were dismissed.
2.	Consolidated 009/2011 & 011/2011	Tanganyika Law Society and Legal and Human Rights Centre & Rev. Christopher Mtikila	United Republic of Tanzania	10/06/2011	13/06/2014	The Court adopted a decision on the Application for reparations brought by the 2 nd Applicant
3.	013/2011	Beneficiaries of the late Norbet Zongo- Abdoulaye Nikiema, Ernest Zongo, Blaise Ilboudo and <i>Mouvement Burkinabe des Droits de l'Homme et des Peuples</i>	Burkina Faso	11/12/2011	28/03/2014	The Court delivered a judgment in which it found the Respondent in violation of its human rights obligation under the Charter.
4.	001/2012	Frank David Omary	United Republic of Tanzania	27/01/2012	28/03/2014	The Court declared the Application inadmissible for

						failure to exhaust local remedies
5.	003/2012	Joseph Peter Chacha	United Republic of Tanzania	30/09/2011	28/03/2014	The Court declared the Application inadmissible for failure to exhaust local remedies
6.	003/2013	Rutabingwa Chrysanthé	Republic of Rwanda	18/03/2013	14/04/2014	Matter withdrawn by Applicant
7.	004/2013	Issa Lohé Konaté	Burkina Faso	17/06/2013	06/2014	The Court will deliver a judgment in June 2014.

15. All the decisions taken on the above matters have been communicated to the parties and to the AU Commission, and to all Member States through the AU Commission, in accordance with Article 29 of the Protocol.

16. The Court has a total of five (5) applications and three (3) requests for advisory opinion pending before it, which it is processing in accordance with the relevant provisions of the Protocol and the Rules of Court.

17. Table 4 below shows the matters pending before the Court as at June 2014.

Table 4 - Contentious Matters					
No.	Application No.	Applicant	Respondent	Date received	Remarks
1.	006/2012	African Commission on Human and Peoples' Rights	Republic of Kenya	18/05/12	Pleadings re-opened at the request of the Respondent.
2.	002/2013	African Commission on Human and Peoples' Rights	Libya	31/01/2013	Pleadings still open
3.	005/2013	Alex Thomas	United Republic of Tanzania	02/08/2013	Pleadings closed and public hearing scheduled for September 2014
4.	006/2013	Wilfred Onyango Nganyi & 9 Others	The United Republic of Tanzania	23/07/2013	Pleadings still open
5.	007/2013	Mohamed Abubakari	United Republic of Tanzania	08/10/2013	Pleadings still open

Requests for Advisory Opinion			
	Request	Author	Remarks
1.	Request 001/2013	Socio-Economic Rights and Accountability Project	Request Communicated to Member States
2.	Request 002/2013	African Committee of Experts on the Rights and Welfare of the Child	Request Communicated to Member States
3.	Request 001/2014	Coalition on the International Criminal Court, Legal Defence & Assistance Project, Civil Resource Development & Documentation Centre and Women Advocates Documentation Centre	Request Communicated to Member States.

b) Public Hearings

18. From January to June 2014, the Court organised three (3) public hearings, to receive oral arguments from parties, as well as to deliver judgments/rulings.

19. Table 5 below indicates the public hearings organised during the period under consideration.

Table 5 – Public Hearings organized in 2013						
No.	Date of Public Hearing	Purpose of Public Hearing	Application	Applicant	Respondent	Remarks
1.	20 – 21 March, 2014	Receive oral arguments from the parties	004/2013	Lohé Issa Konaté	Burkina Faso	Both parties were represented by Counsel and made oral arguments.
2.	28 March 2014	Delivery of judgment	013/2011	Beneficiaries of the late Norbet Zongo— Abdoulaye Nikiema, Ernest Zongo, Blaise Ilboudo and <i>Mouvement Burkinabe des Droits de l'Homme et des Peuples</i>	Burkina Faso	The Court delivered its judgment on the matter.

3.	28 March 2014	Delivery of Ruling	003/2011	Urban Mkandawire	Republic of Malawi	The Applications for interpretation and review of the Court's Judgment were dismissed.
4.	28 March 2014	Delivery of Ruling	001/2012	Frank David Omary	United Republic of Tanzania	The Court declared the Application inadmissible for failure to exhaust local remedies.
5.	28 March 2014	Delivery of Ruling	003/2012	Joseph Peter Chacha	United Republic of Tanzania	The Court declared the Application inadmissible for failure to exhaust local remedies.
6.	13/06/2014	Delivery of judgment	011/2011	Tanganyika Law Society and Legal and Human Rights Centre & Rev. Christopher Mtikila	United Republic of Tanzania	The Court adopted a decision on reparations
7.	13/06/2014	Delivery of Judgment	004/2013	Lohé Issa Konaté	Burkina Faso	The Court will deliver its judgment on the matter in June 2014.

c) Compliance with Order of the Court

20. Under Article 31 of the Protocol, in submitting its activity report to the Assembly, the Court "...shall specify, in particular, the cases in which a State has not complied with the Court's judgment".

21. During the 24th Ordinary Session of the Executive Council, the Court reported on Libya's continuous refusal to comply with the Court's Order of Provisional Measures issued on 15 March, 2013. The Executive Council, in its decision EX.CL/Dec.806(XXIV) took note of "*the Activity Report of the African Court on Human and Peoples' Rights (the Court) for 2013 and the recommendations therein, including the non-compliance of Libya with the Court's Order as well as the reservations and concerns of Libya on*

paragraphs 26 to 33, 110 and 114”, and urged “all Member States, and parties appearing before the Court, to co-operate fully with the Court in the exercise of its mandate, to assure the proper administration of justice”. Furthermore, the Court delegation to the Executive Council Session in January 2014, took the initiative to discuss and to explain to the Libyan delegation the nature and import of the Court decision.

22. On 17 May, 2014, the Court received a note verbale from Libya in which the latter informed the Court that it is keen and serious to ensure a fair and just trial for Saif AL-Islam and the other defendants, that it is ready to cooperate with any ‘legal organization’ to ensure, through a field visit to the reform and rehabilitation facility, the location where he is kept, and to enable any legally accredited organization to attend the trial sessions of Saif Al-Islam Al-Gaddafi.

23. The above note verbale notwithstanding, Libya did not respond to the terms of the Court’s Order of Provisional Measures, in particular, to allow the Detainee access to a lawyer of his choosing, to allow the Detainee visits by family members and refrain from taking any action that may affect the Detainee’s physical and mental integrity as well as his health.

ii) Non-judicial activities

24. The main non-judicial activities undertaken by the Court during the period under review are described below:

a) Participation of the Court at the AU Summits

25. The Court took part in the 27th Ordinary Session of the Permanent Representatives’ Committee (PRC), from 21 to 23 January, 2014, the 24th Ordinary Session of the Executive Council, from 27 to 28 January, 2014, as well as the 22nd Assembly of Heads of State and Government of the African Union, held from 30 – 31 January, 2014, in Addis Ababa, Ethiopia.

b) Implementation of Executive Council Decisions

26. During its 24th Ordinary Session, the Executive Council, in its decision EX.CL/Dec.806(XXIV), requested the Court, in collaboration with other relevant Organs of the Union, to:

- i) carry out a study on the advisability and feasibility of establishing a Legal Assistance Fund;
- ii) advise on the feasibility and financial implications of institutionalizing a Continental Judicial Dialogue within the framework of the African Union;

- iii) submit a detailed Concept Paper setting out the rationale and modalities for celebrating the year 2016 as Africa Year of Human and Peoples Rights, with particular focus on the rights of women; and
- iv) propose, for consideration by the PRC, a concrete reporting mechanism that will enable it bring to the attention of relevant policy organs, situations of non-compliance and/or other issues within its mandate, at any time, when the interest of justice so requires.

i. Study the advisability and feasibility of establishing a Legal Assistance Fund

27. The Court engaged a Consultant in April 2014 to develop a framework for the establishment of a Legal Assistance Fund. The Report of the Consultant was considered at a Validation Workshop held in Arusha, Tanzania from 16-17 June, 2014, which brought together key stakeholders, including the PRC, relevant AU Organs, representatives of the Bar Associations, academia, and civil society organizations.

28. Taking into account the date of submission of the Consultant's report and the need to organise a validation workshop, the Court communicated to the Chairperson of the AUC in March 2014, its request that the report to the Executive Council on this matter be considered during the January 2015 Session of Council.

ii. Financial implications of institutionalizing a Continental Judicial Dialogue

29. Taking into account the need to finalize the Concept Paper after discussion with the PRC and the AUC, the Court communicated to the Chairperson of the AUC in May 2014, its request that the report to the Executive Council on this matter be considered during the January 2015 Session of Council.

iii. Concrete reporting mechanism to enable the Court bring cases of non-compliance and other issues to the attention of policy organs

30. Taking into account the need to discuss the Concept Paper with the PRC and the AUC, the Court communicated to the Chairperson of the AUC in May 2014, its request that the report to the Executive Council on this matter be considered during the January 2015 Session of Council.

iv. Concept Paper on the rationale and modalities for celebrating the year 2016 as Africa Year of Human and Peoples Rights, with particular focus on the rights of women

31. The Court, in collaboration with the African Commission, the African Committee of Experts on the Rights of the Child, the Department of Political Affairs and the Gender Directorate, has prepared a draft Concept Paper and transmitted it to the PRC, through the AUC, for consideration during the current session of Council.

c) Execution of the 2014 budget

32. The budget allocated to the Court for 2014 stood at \$8,619,525, comprising of the Member States' funded component of \$6,938,014 (80.5%) and the Donor funded component of \$1,681,511 (19.5%). Additionally, the Policy Organs also approved a total of \$1,000,000 to be used for the recruitment of the first contingent of critical staff approved under the new structure of the Registry of the Court in January 2012.

33. The total projected budget execution for the first half of 2014 amounts to \$3,668,130, which represents a budget execution rate of 42.6%. This is mainly because the main programmes under the EU and the GIZ support programmes have not yet started.

34. This level of execution comprises \$3,440,870 from the Member States funded budget representing a 49.6% execution level and \$227,259 under the Donor funded budget which is a 13.5% execution level. The Court expects that by end 2014, its budget execution rate will be above 85.0%.

c) Presentation of the 2015 budget

35. During its 32nd Ordinary Session held in March 2014, the Court considered and adopted its draft budget for the 2015 financial year, and submitted it to the AUC for onward transmission to the PRC Advisory Committee on Administrative, Budgetary and Financial Matters (hereinafter referred to as "the Sub-Committee").

36. The draft budget was presented to the Sub-Committee on 9 May 2014, during a retreat held in Dar-es-Salaam, Tanzania. The 2015 proposed budget of the Court for 2015 stands at US\$11,601,862, comprising US\$9,720,956 as Member States' contribution (for the operational budget) and US\$1,880,906 as partners' funds (for the programme budget).

V. Staff recruitment and development

a) Staff Recruitment

37. As at June 2014, of the 90 positions on the approved structure of the Registry, 45 positions had been filled. In May 2014, the Court conducted interviews for eight (8) more positions and appointed candidates, who are due to assume duty in August 2014. The recruitment exercise for two other positions will continue following the re-advertisement of these posts in April 2014.

b) Staff development

38. During the period under consideration, Judges and staff of the Registry participated in a number of training activities, aimed at enhancing their capacity to ensure higher productivity.

39. Table 6 below indicates the training activities undertaken during this period.

Table 6 – Training activities undertaken in 2013				
N°	Training Activity	Funding Institution	Participants	Date and Venue
1.	Judicial Education Exchange	GIZ	Judges of the Court and Legal Officers	5-7 March 2014, in Arusha, Tanzania
2.	African Law Library International Workshop	MS	Librarian	28 – 30 March, 2014, Cotonou, Benin
3.	Language courses (Arabic, English, French and Kiswahili)	MS	On-going (all staff)	Arusha, Tanzania

VI. Promotional activities

40. During the period under consideration, the Court undertook a number of promotional activities, aimed at raising awareness among stakeholders about its existence. The activities undertaken included sensitization visits and participation in seminars and conferences.

a) Sensitization visits

41. In May 2014, the Court undertook sensitization visits to the Republic of Togo and the Republic of Benin.

42. The aim of the sensitization visits was to raise public awareness among human rights stakeholders in these countries, and to encourage the States concerned, to ratify the Protocol and to make the declaration required under Article 34(6) of the Protocol, as the case may be.

43. The delegation was led by Justice Sylvain Oré and comprised two Judges and some staff members of the Registry.

44. During the sensitization visits, the Court, in collaboration with the governments of the two countries, also organised a half-day seminar for human rights stakeholders in these countries, bringing together government officials, human rights NGOs, the National Human Rights Institution, lawyers, religious personalities and the media.

i) Sensitization visit to the Republic of Togo

45. The visit to the Republic of Togo took place from 12 to 13 May, 2014. During the visit, the delegation of the Court held fruitful discussions with a number of senior government officials involved in human rights issues in the country, including, the Prime Minister; the Minister of Foreign Affairs and International Cooperation ; the Minister of Justice and Relations with State Institutions, the Minister of Human Rights, the Consolidation of Democracy, and responsible for the Implementation of the recommendations of the Truth, Justice and Reconciliation Commission ; the Chief Justice ;the Vice President of the Constitutional Council and the President of the National Human Rights Commission. The delegation of the Court also delivered a public lecture to students of the Faculty of Law of the University of Lome.

46. The Government of Togo expressed its support for the work of the Court in particular, and African Union institutions in general, and undertook to take necessary and urgent measures to ensure the declaration required under Article 34(6) of the Protocol is deposited.

ii) Sensitization visit to Benin

47. The visit to the Republic of Benin took place from 15 to 16 May, 2014. During the visit, the delegation held fruitful discussions with a number of senior government officials involved in human rights issues in the country, including, the Minister of African Integration; the Francophonie and Beninese in the Diaspora; the Director of Cabinet at the Ministry of Justice, Legislation and Human Rights, representing the Minister of Justice and Keeper of the Seals; the President of the Constitutional Court; and the Chief Justice. The delegation of the Court also delivered a public lecture to students at the Faculty of Law of the University of Abomey-Calavi.

48. The Government of Benin informed the delegation that it already adopted a law to deposit the declaration and the same will be deposited with the AU as soon as possible.

b) Other promotional activities

49. In addition to the foregoing activities, the Court also participated in a number of promotional activities, organized by other stakeholders, including in particular, participation at:

- i) Adjudicating the International Rounds of the Oxford University Price Moot Court Competition, in Oxford, United Kingdom from 1-4 April 2014;
- ii) Lecture at the LUISS Guido Carli University, Rome, Italy on 10 April, 2014;
- iii) The Glion Human Rights Dialogue 2014, in Montreaux, Switzerland, from 13-14 May 2014;
- iv) The Commonwealth Judicial Education Institute (CJEI) Biennial Meeting for Commonwealth Judicial Educators, in Bermuda, 12 - 14, May, 2014.
- v) The International Conference on Arab Court of Human Rights, held in Manama, Bahrain, from 25 to 26 May 2014.

c) Participation in AU Initiatives

50. The Court was invited, and participated in a number of AU initiatives, including, *inter alia*:

- i) Participating as part of the AU Observer Mission to the General Elections in the Republic of South Africa, from 30 April to 10 May, 2014;
- ii) Consultations with the Working Group on Agenda 2063 on 10 April, 2014 in Arusha, Tanzania;
- iii) Participation in the African Governance Architecture (AGA) planning Meeting, in Cape Town, South Africa, from 17 to 24 May, 2014;
- iv) Participation in the meeting of the Specialised Technical Committee on Justice and Legal Affairs in Addis Ababa, Ethiopia, from 5 – 17 May, 2014;
- v) Participation in the AU Mission to the Central African Republic from 17 to 20 February 2014;
- vi) Participation in the AU Commission of Inquiry on South Sudan from 24 April to 2 May, 2014; and
- vii) Participation in the AU Commission of Inquiry on South Sudan from 19 to 23 May, 2014.

d) Networking

51. In furtherance of the good relationship between the two institutions, the International Criminal Tribunal for Rwanda (ICTR) donated furniture and some courtroom equipment to the Court, as its contribution to the advancement of human rights on the continent.

VII. Relations between the Court and the African Commission on Human and Peoples' Rights

52. The Court and the African Commission continue to engage with each other, to strengthen their relationship and consolidate the complementarity envisaged in the Protocol. Hence, during the period under review, the Sixth Meeting of the Bureaus of the two institutions took place in Addis Ababa, Ethiopia on 24 January, 2014. During this meeting, the two institutions discussed ways and means of strengthening their working relationship in a bid to enhance the promotion and protection of human rights on the continent. The two institutions also held a joint press conference and organised a joint exhibition on the side-lines of the January 2014 Summit.

53. Apart from the above meetings, the Court was duly represented at the 55th Ordinary Session of the African Commission, held in Luanda, Angola, in April/May 2014.

VIII. Cooperation with external partners

54. The Court continues to work with external partners in the discharge of its mandate. The two principal partners of the Court, namely, the European Commission

(EC) and the German International Cooperation (GIZ), continue to support the capacity building as well as the outreach programmes of the Court, including training of staff, sensitization missions, seminars and conferences.

55. Other partners of the Court include the United Nations Development Programme (UNDP) and the *Organization Internationale de la Francophonie* (OIF). The UNDP, during the period under review, provided technical assistance for the installation of courtroom technology and case management software, while the OIF continues to facilitate the participation of Judges and staff of the Registry in intensive French Language Training programme.

IX. Host agreement

56. In its 2013 Activity Report submitted to the 24th Ordinary Session of the Executive Council, the Court highlighted the difficulties it continues to face as a result of the lack of permanent premises.

57. The Court reported that the current premises being used had become very small to accommodate the growing number of staff at the Registry. In spite of the measures taken to partition some offices, it has become evident that another structure has to be urgently provided to accommodate additional staff.

58. The host government, as an interim measure, is in the process of obtaining another building within close proximity to the current temporary premises of the Court, to ease the acute office space problem. On 29 May, 2014, the Court received a concept Paper on the proposed building of the Permanent Premises of the Court. While this is appreciated, the Court believes a durable solution would be found only when the Court moves to its permanent premises.

59. In this regard, the Court is concerned that 7 years after it moved to Arusha, Tanzania, not much progress has been made with regard to the construction of the permanent premises.

Assessment and Recommendations

i) Assessment

60. During the period under review, the Court has made progress in enhancing the protection of human rights on the continent. From a judicial perspective, the Court considered and delivered two judgments and four rulings. The two judgments delivered have been transmitted, through the AUC, to Member States and the Executive Council, for the latter to monitor execution of the judgments on behalf of the Assembly, in accordance with Article 29 (2) of the Protocol.

61. The installation of courtroom technology and case management soft ware will enhance the management of cases by ensuring speedy consideration and finalization of cases. The process to establish a Legal Assistance Fund is underway, and is intended

to provide indigent applicants with effective access to the Court and to present their cases in a structured manner that will provide the Court with cogent information to make quality decisions.

62. To date, the Court has received a total of 7 requests for advisory opinion. In conformity with the provisions of its Rules, it has transmitted three of the requests to Member States to solicit their comments on the requests. It is important to engage Member States in this process to ensure that the Court's opinion is informed by contributions from all relevant stakeholders.

63. The process of institutionalizing the continental judicial dialogue will go a long way to strengthen the relationships between the Court and national judiciaries and other quasi-judicial bodies and human rights stakeholders on the continent, and facilitate the dissemination and application of the judgments of the Court.

64. The Court is in the process of developing, in collaboration with the PRC, a concrete reporting and monitoring mechanism that will ensure proper monitoring of compliance with the judgments of the Court. The establishment of a strong and viable judicial system within the African Union structure is indispensable to the realisation of the objectives of the Union.

65. The above positive developments notwithstanding, the Court has encountered serious challenges in the discharge of its mandate. These challenges include, among others, lack of cooperation, low levels of ratifications, deposit of declarations and insufficient resources.

66. A major obstacle to the effective discharge of the Court's judicial mandate is the low level of ratification and even lower number of declarations made. Sixteen years after the adoption of the Protocol establishing the Court, the Protocol has been ratified by only 27 Members of the African Union, and even more worrying is the fact that of these 27, only 7 have made the declaration required under Article 34(6) of the Protocol recognising the competence of the Court to receive cases from individuals and NGOs.

67. The establishment of the Court was premised on the realization that continental integration, peace and development must be grounded on a firm human rights foundation. Its establishment was also an attempt by African leaders to fight impunity and ensure that individual and group disputes with member states concerning human rights are settled within a proper holistic judicial framework.

68. The fact that only 27 states are parties and only 7 have filed the required declaration means that the Court does not have the jurisdiction to hear cases against half the Member States of the Union because the States have not ratified the Protocol establishing the Court. Effectively therefore, the Court does not have the legal capacity to receive cases for alleged human rights violations from the greater majority of citizens of the Member States of the African Union, because they have either not ratified the Protocol or made the declaration.

69. Although Libya has reacted to the Court's Order of Provisional Measures, it has failed to indicate the concrete measures it has taken to implement the said Order. The Court remains concerned that it has not been made aware of measures taken to comply with the Order.

70. From the administrative point of view, the inadequate human and financial resources have affected the smooth functioning of the Court. Although the Executive Council approved 44 new positions for the Registry of the Court in 2012, it was only in May 2013, that the Executive Council approved funding for the recruitment of some of the staff. In May 2014, the Court completed the recruitment of 8 staff, who will assume duty in August 2014.

71. Recruitment for the remaining positions has been staggered over the next four years, and was earmarked to be completed in 2018. However, during the adoption of the 2015 budget of the Court, the PRC rejected the Court's proposal for the recruitment of the 7 staff earmarked for 2015. There was no indication as to when funds will be made available for the recruitment.

72. This uncertainty regarding the availability of funds has serious impact on the ability of the Court to effectively discharge its mandate, and leaves the administration of justice at the mercy of whether or not funds are available. It also cast aspersions on the independence of the Court, in particular, its ability to shape a truly effective continental judicial body.

73. For the Court to be able to discharge its mandate effectively, and ensure its independence, it must be empowered to have an independent and uninterrupted source of funding, in the form of, for example, an Endowment or Trust Fund.

74. A further difficulty facing the Court at the moment is the acute shortage of office space. While the host government is in the process of securing another temporary building to ease the problem, it is important to ensure that a durable solution to the problem is found by constructing a permanent seat for the Court.

75. The Court is concerned that several years after settling in the United Republic of Tanzania, not much progress has been made towards erecting the permanent premises as provided for in the Host Agreement.

76. The Court however, expresses its gratitude to the Government of the United Republic of Tanzania, host country of the seat of the Court, for the efforts made towards providing the Court with temporary buildings to serve as its seat, among other facilities. The Court also appreciates the support from all its collaborating partners.

ii) Recommendations

77. If truly the Court is to make any meaningful contribution to the development of the continent, Member States have to ensure that it is provided with the necessary tools and

support to effectively discharge its mandate. In this regard, the Court submits the following recommendations for consideration by the Assembly of the Union:

- i) The Member states of the Union that have not yet ratified/acceded to the Protocol establishing the Court and or made the Declaration under Article 34(6) thereof, should do so as soon as possible;
- ii) The African Union should manifest its commitment to the ideals of human rights by repealing the requirement of a declaration under Article 34(6);
- iii) The Court should be made financially independent, and to this end, it proposes to submit a study to the Assembly, through the Executive Council, on a suitable funding option for the Court, such as endowment or trust funds;
- iv) The Member States should commit to unconditionally comply with the decisions of the Court;
- v) The Assembly of Heads of State and Government should provide the necessary resources to enable the Court to recruit and fill the structure of the Registry approved in January 2012 by the Executive Council;
- vi) The Assembly should adopt a decision approving the Concept Paper on the Declaration of 2016 as Africa Year of Human Rights, and the list of activities and programmes set out therein;
- vii) The Assembly should adopt, as part of the celebration of 2016, a specific declaration, urging all Member States of the African Union that have not yet done so, to ratify the Protocol on the Establishment of the Court and make the declaration, allowing individuals and non-governmental organisations direct access to the Court, before January 2016.

ANNEX 1
LIST OF JUDGES OF THE AFRICAN COURT ON HUMAN
PEOPLES' RIGHTS AS AT JUNE 2014

No.	Name	Term		Country
		Duration	Expiry	
1	Hon. Sophia A. B. Akuffo (President)	6	2014	Ghana
2	Hon. Bernard M. Ngoepe (Vice President)	6	2014	South Africa
3	Hon. Gérard Niyungeko	6	2018	Burundi
4	Hon. Fatsah Ouguerouz	6	2016	Algeria
5	Hon. Augustino S.L. Ramadhani	6	2016	Tanzania
6	Hon. Duncan Tambala	6	2016	Malawi
7	Hon. Elsie Nwanwuri Thompson	6	2016	Nigeria
8	Hon. Sylvain Oré	4	2014	Côte d'Ivoire
9	Hon. El HadjiGuissé	6	2018	Senegal
10	Hon. Ben Kioko	6	2018	Kenya
11	Hon. Kimelabalou Aba	1.5	2014	Togo

EX.CL/857(XXV)
Annex 2

**DRAFT CONCEPT PAPER ON THE DECLARATION OF
2016 AS AFRICA YEAR OF HUMAN RIGHTS**

Draft Concept Paper on the Declaration of 2016 as Africa Year of Human Rights

Context and Justification

1. The adoption of the United Nations Universal Declaration of Human Rights (UDHR) in 1948 stirred Africa to come up with and establish a human rights regime specifically tailored to suit the needs and realities of the African continent. This resolve resulted in the elaboration and adoption of the African Charter on Human and Peoples' Rights (the African Charter) in 1981. The African Charter came into force on 21 October 1986. Indeed, the then Organization of African Unity (OAU), now the African Union (AU), has already declared 21 October as African Human Rights Day, to mark the significance of the entry into force of this important treaty.

2. Article 30 of the African Charter provides for the establishment of the African Commission on Human and Peoples' Rights (the Commission), a quasi-judicial treaty body charged with the responsibility of promoting and protecting human and peoples' rights on the continent. It will be recalled that this Commission was established and became operational in 1987.

3. To further strengthen the human rights regime on the continent, on 9 June 1998, the OAU adopted the Protocol to the African Charter on Human and Peoples' Rights on the establishment of an African Court on Human and Peoples' Rights (the Protocol). The Protocol came into force on 25 January 2004 and the African Court on Human and Peoples' Rights (the Court) itself started operating in November 2006, following election of the judges. This Court was established with the specific mandate of complementing the mandate of the Commission to protect human and peoples' rights in Africa.

4. Furthermore, the Second Ordinary Assembly of AU Heads of State and Government adopted in 2003 the Protocol to African Charter on Human and Peoples' rights on the Rights of Women in Africa, which remains a ground breaking instruments in the advancement of women's rights in Africa. The Protocol came into force on 25 November 2005 and has been ratified so far by 36 AU Member States.

5. In addition to these two premier human rights institutions, other key AU treaty Organs have also been established by the African Union, whose mandates also reinforce the promotion and protection of human rights on the continent. These include, amongst others, the African Committee of Experts on the Rights and Welfare of the Child (the Children Committee), which was established in July 2001; the Pan-African Parliament (PAP), which was established in March 2004; the Peace and Security Council (PSC), which was established in 2003; and the Economic, Social and Cultural Council (ECOSOCC), which was established in September 2008.

6. In addition to establishing and operationalizing the above-mentioned mechanisms whose combined efforts seek to push the continental human rights agenda forward, the O/AU adopted a number of human rights instruments and declarations,

which also seek to promote and protect human and peoples' rights on the continent. In that regard, instruments governing human and peoples' rights on the continent include, among others, the following:

- i) The OAU Convention Governing the Specific Aspects of Refugee Problems in Africa(1969);
- ii) The Cultural Charter for Africa (1976);
- iii) The OAU Convention on the Elimination of Mercenarism in Africa (1977);
- iv) The African Charter on Human and Peoples' Rights (1981);
- v) The African Charter on the Rights and Welfare of the Child (1990);
- vi) The Bamako Convention on the Ban of the Import into Africa and the Control of Trans-boundary Movement and Management of Hazardous Wastes within Africa (1991);
- vii) The Treaty Establishing the African Economic Community (1991);
- viii) The Protocol to the African Charter on Human and Peoples' Rights on the establishment of an African Court on Human and Peoples' Rights (1998);
- ix) The OAU Convention on the Prevention and Combating of Terrorism (1999);
- x) Constitutive Act of the African Union (2000);
- xi) Protocol to the Treaty Establishing the African Economic Community Relating to the Pan-African Parliament (2001);
- xii) Protocol Relating to the Establishment of the Peace and Security Council of the African Union (2002);
- xiii) Statutes of the Economic, Social and Cultural Council (2004);
- xiv) The Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa(2003);
- xv) The AU Convention on the Prevention and Combating of Corruption (1999);
- xvi) The African Youth Charter (2006);
- xvii) The African Charter on Democracy, Elections, and Governance (2007);
- xviii) Protocol on the Statute of the African Court of Justice and Human Rights (2008),
- xix) Statute of the African Union Commission on International Law (2009),
- xx) AU Convention for the Protection and Assistance of Internally Displaced Persons (2010);
- xxi) African Charter on Values and Principles of Public Service and Administration (2011).

7. The continental Organization has also adopted the following Declarations with relevance to human rights:

- a) Grand Bay (Mauritius) Declaration (1999);
- b) Declaration on Unconstitutional Changes of Government (2000);
- c) Declaration on the Principles Governing Democratic Elections in Africa (2002);
- d) Kigali Declaration (2003);
- e) Solemn Declaration on Gender Equality in Africa (2004);
- f) Guidelines for Electoral Observation Missions (2004);

- g) Banjul Declaration on the occasion of the 25th Anniversary of the African Charter on Human and Peoples' Rights. (2006);
- h) the AU Declaration on Maternal, Newborn and Child Health by 2015;
- i) the Durban Declaration on Gender Mainstreaming and the Effective Participation of Women in the African Union;
- j) the Maputo Declaration on Gender Mainstreaming and the Effective Participation of Women in the African Union;
- k) the Abuja Declaration on HIVS/AIDS, Tuberculosis, and other related infectious diseases.

8. Together with the other AU Organs with a human rights mandate, the Commission, the African Court and the Children's Committee), have made significant contributions to the promotion and protection of human and peoples' rights on the continent. AU Member States have been more than willing partners in this endeavour, and they have taken initiatives and measures at their level to give expression to the human and peoples' rights enshrined in the African Charter, particularly through the strengthening of national institutions to promote and protect human rights. As a result, while there are continuing human rights challenges on the continent, very significant strides have been made and many achievements have been recorded which are deserving of noting and celebrating.

Why celebrate 2016 as African Year of Human Rights?

9. The year 2016 marks a veritable watershed in the continental human rights trajectory: 2016 marks the 35th Anniversary of the adoption of the African Charter in 1981; 2016 marks the 30th Anniversary of the entry into force of the African Charter in 1986; the year marks the 29th Anniversary of the operationalization of the Commission in 1987 (in 2016 the Commission will be just one year shy of its 30th anniversary); 2016 also marks the 10th Anniversary of the operationalization of the Court.

10. The adoption of the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (the Maputo Protocol) in 2003 ushered in a new thinking in addressing gender inequality and the rights of women in Africa. *In 2016, the Maputo Protocol will be 13 years old. To reaffirm their commitment to gender equality, in 2004, the Assembly of Heads of State adopted, the Solemn Declaration on Gender Equality in Africa (SDGEA), and this commitment was reinforced with the adoption of the first-ever African Union Gender Policy in 2009 and Assembly Declaration of 2010-2020 as an African Women's Decade and the launching of the Fund for African Women.* The Assembly also committed itself to continue to expand and to accelerate efforts to promote gender equality at all levels, and the determination to build on the progress that have been achieved in addressing issues of major concern to the women of Africa.

11. It is for this reason that it was deemed necessary to declare this auspicious year (2016), the African Year of Human Rights with particular focus on the rights of women, to mark, commemorate and celebrate these significant milestones in Africa's continental

human rights progression. It is an opportunity to give Africans the chance to tell their story – not only to raise awareness about the great work that they have been doing to uplift their communities, but also to inspire future generations to emulate innovative and exciting approaches to making a difference through human rights based approaches. This, in the end, will showcase the African local human rights activities by Africans themselves to solidify local humanitarian dividends and ensure longer-term outcomes.

12. The declaration of 2016 as African Year of Human Rights will provide further opportunity to consolidate the gains already made over the years, ensure better coordination of human rights bodies on the continent, and move towards the establishment of a true human rights culture on the continent.

Objectives of the Celebration

General Objectives

13. The general objective of the celebrations is to raise awareness on human and people's rights on the continent, in particular, women's rights and take stock of progress or efforts made, including major challenges and/or obstacles encountered.

Specific objectives

14. The Specific Objectives for the celebration include

- i) To evaluate the level of ratification, domestication and implementation of regional and major international human rights instruments into national legislation;
- ii) evaluate the progress made in advancing the rights of women; and best practices since the coming into force of the Maputo Protocol;
- iii) Encourage Member States to develop policies, plans of actions and programmes on the promotion and protection of human and peoples' rights, and specific programmes with the intention of integrating women in all spheres of life, so as to boost the development of women in Africa;
- iv) Encourage Member States to recommit to the promotion and protection of human rights;
- v) To encourage Member States of the African Union that have not already done so, to ratify the Protocol establishing the Court and make the declaration under Article 34(6) thereof, allowing individuals and NGOs direct access to the Court;
- vi) Evaluate the work accomplished by various mechanisms in the promotion and protection of human rights, notably, on the rights of women;
- vii) Provide a platform for constructive debate on human rights with a view to putting human rights at the foundation of the AU framework.

15. It is hoped that the celebration will initiate an advocacy and coordinating campaign that effectively reaches out to stakeholders and partners at all levels (political,

institutional, civil society organizations, national and community levels), and give ownership to all key stakeholders, as well as the repositories/beneficiaries of the rights enshrined in the African Charter.

Expected outcome of the Celebration

16. At the end of the celebrations:

- The population will be sensitized on human rights issues for a better understanding of national, regional and major international human rights mechanisms;
- Increased awareness, promotion and protection of the rights of women;
- Enhanced awareness of the African human rights system, including in particular, the human rights mechanisms established at national and continental levels;
- Increased domestication and implementation of regional and major international human rights instruments at the national level;
- Member States are sensitized of the need to ratify the Protocol establishing the Court and the Declaration;
- General improvement in the human rights situation in Africa;
- Increased involvement of states, civil society and individuals in the promotion and protection of human rights;
- renewed commitment by States to the promotion and protection of human rights by complying with their obligations and adhering to the decisions taken by the different Organs of the African system;
- Effective integration of human rights in the operations of the African Union.

Opportunities and achievements - consolidating human rights gains

17. Since the adoption of the Charter in 1981, there have been significant positive developments on the continent.

18. From a legal standpoint, almost all African countries have entrenched the notion of respect for human rights in their constitutions and provided for procedures to claim remedies where violations occur. Some constitutions provide for a bill of rights with justiciable economic and social rights. Several African countries have ratified most of

the UN and African human rights instruments, and others have taken steps to domesticate some of the instruments. A number of African countries have also developed national action plans for the promotion and protection of human rights.

19. The transformation of the OAU into the AU in 2002, ushered an era of institutional building which saw the establishment of several human rights and related institutions and bodies aimed at consolidating the human rights gains already recorded. The Constitutive Act of the African Union in particular recognizes the centrality of human rights in the integration of the continent and in sustainable peace and development, while Article 4(L) of the Constitutive Act enshrines the gender equality principle. Initiatives such as the New Partnership for Africa's Development (NEPAD) and its African Peer Review Mechanisms (APRM) show that a new era has dawned in Africa, with regard to human and peoples' rights. The establishment of the ECOSOCC is further reality of the AU-civil society partnership and provides the Union with a medium to hear "the other side". This partnership has given legitimacy and credence to the work of many Non-Governmental Organizations (NGOs) in several countries, and enabled them to feed into the continental processes.

20. With a view to mainstreaming and ensuring proper coordination of the AU's human rights project, the Union adopted in April 2011, a comprehensive *Human Rights Strategy* for Africa. The main objective of the Strategy is to take the normative human and peoples' rights framework of the continent, turn it into the concrete lived realities of the people of Africa, and thereby create a viable human rights culture on the continent by making the promotion and protection of human rights a reality. The Strategy examines the strategic objective, content and value modalities of enhancing the existing and unfolding human rights initiatives, and seeks to build synergies with other governance initiatives, like the African Governance Architecture.

21. On the gender front, the AU adopted a Gender Policy with the purpose of establishing a clear vision and make commitments to guide the process of gender mainstreaming and women empowerment to influence policies, procedures and practices which will accelerate the achievement of gender equality, gender justice, non-discrimination and fundamental human rights in Africa. The vision of the Gender Policy is to achieve an African society founded on democracy, gender equality, human rights and dignity which recognizes the equal status of women and men, girls and boys, with both sexes thriving together harmoniously, in a peaceful and secure environment characterized by equal partnership in decision-making in the development of the Continent.

22. At the institutional level, the Women, Gender and Development Directorate (WGDD) was created in 2003 as part of the Maputo structure and placed in the Office of the Chairperson of the Commission together with other Policy and Strategic Directorates in the Commission. Furthermore, this decision was informed by the recognition that gender issues are cross-cutting by nature. The mandate of WGDD is to mainstream gender equality and women's empowerment (GEWE) in the AU

Commission and work with AU Organs, RECs and Member States for the achievement of GEWE.

23. At the sub-regional level, the majority of the Regional Economic Communities (RECs), including the Arab Maghreb Union (AMU), the Common Market for East and Southern Africa (COMESA), the Community of Sahel-Saharan States (CEN-SAD), Economic Community of West African States (ECOWAS), the Inter-Governmental Authority for Development (IGAD), and the Southern Africa Development Community (SADC), have Gender Units. The RECs and their Member States have elaborated Gender Policies, and adopted Gender Declarations, Action Plans and Frameworks, strategic plans, gender audits and gender analysis tools which guide their gender mainstreaming, programming and budgeting.

24. At the national level, to date, 70% of Member States currently have gender policies. Member States acknowledge gender mainstreaming as a global, regional and national strategy in the implementation of the Beijing Platform for Action and MDG 3 on Gender Equality. While many of them are committed to implementing global commitments, they face challenges of weak Gender/Women machineries and inadequate resources.

25. During this period therefore, the continent has moved from standard setting to institutional development in the field of human rights in general, and the rights of women in particular, with the adoption of several human rights instruments, declarations and plans of action developed, as well as the establishment of human rights and human rights related mechanisms.

26. These opportunities and achievements provide the continent with enough reason to be optimistic. The success of the AU, including the realization of its Agenda 2063, which seeks to close the gap between the ideal of where Africa wants to be in 2063, and where she currently finds herself, will depend largely on the importance given to the promotion, protection and enjoyment of human and peoples' rights on the continent. To be effective, and achieve its goal, the Union must integrate good governance, respect for the rule of law and respect for human and peoples' rights at all levels. If Africa is to have any economic and democratic advances, together with their positive spin-offs, it must be committed to human rights.

27. From the above, it is clear that if human rights were to contribute to the AU agenda, and move the continent towards a credible sustainable integration and development, urgent steps must be taken by African leaders in this domain.

Challenges faced by the African Union in the promotion and protection of human rights

28. The above human rights achievements and opportunities notwithstanding, the continent continues to face enormous challenges with regards to the respect,

promotion, protection and enjoyment of human rights, which if not urgently and adequately addressed, may erase the human rights gains recorded over the preceding decades. These challenges include, but are not limited to: inadequate allocation of resources to human rights institutions, lack of capacity, insufficient political will, unwillingness by States to surrender sovereignty to supranational monitoring bodies, unwillingness by some States to domesticate international human rights treaties, persistent violence across the continent which result in destruction of life, property and reverse human rights gains, widespread poverty, ignorance and lack of awareness, the effects of colonialism characterized by human rights unfriendly laws, bad governance, corruption and disregard for the rule of law.

29. It is clear that if human rights were to contribute to the AU agenda, and move the continent towards credible integration and development, urgent steps need to be taken by African leaders in this domain. Fortunately, developments over the past few decades provide enormous opportunities to be optimistic.

Activities Earmarked for the celebration

30. To ensure that the celebration achieves the objectives set out above, a series of activities have been planned to commence in 2015, spread across the entire year of 2016, to celebrate the human rights gains made so far, review the human rights situation on the continent, take stock of what still needs to be done to create a culture of human rights observance on the continent, and explore how best to address the remaining human rights challenges.

31. The activities seek to initiate an advocacy and coordinating campaign that generates increasing momentum, and reaches out to stakeholders and partners at all levels (political, institutional, civil society organizations, national and community levels), and give ownership to all key stakeholders, including especially, the repositories/beneficiaries of the rights enshrined in the African Charter.

32. As part of the activities, a communication plan is proposed that involves partners and African celebrities as endorsers to advocate for human rights in Africa. The Plan proposes a clear message that links to the Strategic Plan of the AU. There is need in particular, to build a brand by engaging the media and using modern tools of communication, such as television and online tools to really relay the message of the Africa Human Rights Year. For example, a special web portal will be developed, as well as special tools and a year of human rights documentary.

33. The following activities and timelines are proposed:

Proposed Activities and implementation timelines

NO.	PROPOSED ACTIVITY	BRIEF DESCRIPTION OF ACTIVITY	OBJECTIVE OF ACTIVITY	INSTITUTION RESPONSIBLE	PROPOSED TIME FOR IMPLEMENTATION
SECTION ONE – THE PROCESS					
1.	Adoption of the Decision to declare 2016 as African Year of Human Rights with particular focus on the Rights of Women.	The Executive Council adopts a decision to declare 2016 as African Year of Human Rights, and requests the Commission and the Court, including other relevant organs, to submit a concept note in June 2014.	To encourage all Member States and the African populace to own the project.	African Commission and African Court	January 2014
2.	Establishment of Committees to implement the decision	Committees/Focal Points established by the principal organs to prepare the concept note.	To ensure all relevant stakeholders are involved in the process.	The African Commission, the Court, the Committee on the Rights of the Child, the Department of Political Affairs, the Gender Directorate	January 2014
3.	Meeting of the Focal Points to prepare Concept Paper.	The Draft Concept Paper is considered in a meeting of focal points.	To consider and enrich the draft concept note before transmitting to the various organs for consideration.	The African Commission, the Court, the Committee on the Rights of the Child, the Department of Political Affairs, the Gender Directorate	February 2014
4.	Consideration of Draft Concept Paper by all relevant Organs.	The Draft Concept Paper is considered by the Commission and the Court during their respective ordinary sessions, as well as by the Committee on the Rights of the Child, the Department of Political Affairs, the Gender Directorate and other organs with human rights mandate	To further enrich the Draft Concept Paper.	The African Commission, the Court, the Committee on the Rights of the Child, the Department of Political Affairs, the Gender Directorate as well as other relevant organs and Government of Rwanda	March/April 2014

5.	Meeting of the Focal Points to Finalize Concept Paper.	Focal Points from all the Organs will meet to incorporate comments from the organs.	To finalize the Concept Paper for submission to the 25 th Ordinary Session of the Executive Council in June 2014.	All relevant organs	May 2014
6.	Submission of the Concept Paper to the AUC.	The Concept Paper is submitted to the AUC for transmission to the relevant AU Organs for consideration during the June 2014 Summit.	To ensure Concept Paper is considered and adopted by the Executive Council.		May 2014

SECTION TWO – PREPARATORY ACTIVITIES/ACTIVITIES LEADING UP TO THE CELEBRATION

7.	Combined Retreat of AU Organs with Human Rights mandate and the PRC	Two days retreat between AU Organs with human rights mandate and the PRC	To discuss implementation of the project, including allocation of responsibilities to organs, and involvement of States.	The PRC and All AU Organs with a human rights mandate	April 2015
8.	Joint human rights sensitization for AU officers.	Three day workshop for senior staff members of all AU Organs	To sensitize senior staff of the Union on human rights and the importance of observing human rights principles in their daily work.	All organs	May 2015
9.	Lectures in Universities and Schools of Law	Organize lectures in academic institutions such as universities	To create awareness about human rights	All organs	On-going throughout the year
10.	Media Interviews	Organize interviews with African personalities on human rights issues on the continent.	To ensure the celebration is well publicized.	All relevant stakeholders	On-going from 2015 through 2016
11.	Quiz Competition	Organize, in collaboration with Member States, a quiz	To encourage participation of students.	All AU Member States.	July 2015

		competition for secondary schools. Encourage the establishment of African Union Human Rights Clubs in secondary schools.			
12.	Essay Competition for Universities	An essay writing competition for Universities will be launched and the topic of the essay will focus on a topical human rights issue.	To encourage participation of Universities.	All AU Member States, Organs and Universities.	July 2015
13.	Appointment of Goodwill Ambassadors and Special Envoys on Human Rights.	The Chairperson of the AUC to Appoint Goodwill Ambassadors and Special Envoys to enhance human rights protection.	To strengthen the African human rights system	Chairperson of the AUC	August 2015.
14.	Simulated Moot Court Competition for Law Students	Organize, in collaboration with the academia, a moot court competition for law students across the continent.	Encourage Universities and law students in particular, to pursue human rights programmes.	AU Member States and all relevant organs and Universities.	October 2015
15.	Publication of seminal papers, documents, studies, reports and other publications on human rights	Produce a commemorative publication	To compile all presentations that will be made as part of the celebration, from all stakeholders on the continent.	The ACHPR and the Court and DPA	November 2015
16.	Publication of African human rights jurisprudence	Publish in one volume and with commentaries all the human rights decisions and Judgments of African treaty-bodies	To publicize the human rights jurisprudence from Africa.	All relevant stakeholders	January/February, 2016 (to be launched/released during the January 2016 Summit)
17.	Establishment of a human rights hotline/URGENT APPEALS/Situati on room	Establish a human rights hotline/situation room for the continent	To present a forum for quick reporting and tackling of human rights issues, and to identify potential risk	All organs	April 2016 – during the Conference

			areas that may lead to gross human rights violations		
18.	Documentary on human rights in Africa	Produce a documentary on human rights in Africa	To sensitize the population about human rights	All relevant organs	May 2016
19.	A Musical Concert	Organize a one-day musical extravaganza in which a host of reputable musicians in the continent, and if possible, some in the Diaspora will converge and perform to mark the anniversary.	To raise awareness about human rights on the continent	All Member States and Organs concerned	June 2016 (during the Summit)
20.	Human Rights Awards, including Awards in the area of women's rights	Present human rights awards. The awards for the Quiz and Essay competitions will also be presented at the same time, awards for achievements in the promotion and protection of the rights of women.	To recognize individuals and organizations that have selflessly worked for the promotion and protection of human rights.	-All Organs -Academic Institutions -Notable academics	June 2016 (during the AU Summit).
21.	Launch of the Pan African Human Rights Institute (PAHRI).	The PAHRI will formally be launched by the Assembly.	To establish a human rights institute for the continent.	Assembly.	June 2016 (during the AU Summit)
22.	Exhibition Football Match and other sports activities	Organize an exhibition football match and other sports activities on the theme 'Human Rights for All', in collaboration with the Confederation of African Football (CAF) and other Athletic Federations.	To enhance human rights awareness.	CAF, Athletic Federations, AU Member States and all relevant organs.	October 2016 – (Final to be played on 21 October – African Human Rights Day).
23.	Publication of Anniversary Album	Production of an album of human rights organizations and personalities on the continent	To document the contribution some personalities have played in the promotion and protection of human rights	All Organs	October 2016

24.	Continental Conference/Campaign on Ratification of AU Human Rights treaties and the declaration	Organize a two day conference on the ratification of treaties and making of the declaration	To encourage the quick ratification of treaties, making of the declaration and their domestication	All Organs	October 2016
25.	Continental Conference on Human and Peoples' Rights in Africa	Three-day Conference to adopt a framework document to give support to the project. This will bring together, African leaders, and notable personages, Member States, AU Organs, think-tanks and other human rights stakeholders from across the continent, CSOs academics, to discuss the human rights situation on the continent and come up with a roadmap for the full integration of human rights in the AU framework, discuss the African Human Rights Strategy.	To galvanize support across the continent to ensure a participatory and successful celebration.	All AU Member States, Organs and other human rights stakeholders on the continent	November 2016

N.B. The activities listed above are to be implemented on a continental scale by a group of stakeholders. This does not however prevent organs and institutions from adopting their own activities and work plans for the celebration of the year. These activities may dovetail into the continent-wide activities or stand alone, to recognize the achievements of the organs, e.g., the Court may produce a 10th Anniversary Album describing the successes and challenges during its ten years of existence, documenting the past and present Judges, presentations made by Judges on the Court during this period, its jurisprudence, etc. Similarly, the Commission may want to showcase the highlights of the achievements over its 3 decade history, document its successes, celebrate those who have dared to stand up and be counted in the defense of human and peoples' rights, review the challenges it faces and the lessons learnt along the way.

Funding

34. While it is expected that the bulk of the funding will come from the African Union, support will also be solicited from partners around the world. Potential partners will include, but not be limited to:

- i) Individual AU Member States (to be identified);
- ii) The United Nations;
- iii) The European Union (EU);
- iv) World Bank;
- v) The German International Cooperation (GIZ);

- vi) *Organisation Internationale de la Francophonie*;
- vii) The Commonwealth Secretariat;
- viii) Foreign governments (such as Australia, Canada, China, Denmark, India, New Zealand, Norway, Sweden, United Kingdom, United States of America);
- ix) African private businesses (to be identified).

How will implementation be monitored and evaluated?

35. While all the AU organs with human rights mandate and other relevant stakeholders, including Regional Economic Communities (RECs) and civil society organizations will be involved, the main coordinating organs will be the Commission, the Court, the AUC, through the Department of Political Affairs, the Gender Directorate, and the Government of Rwanda.

36. A Coordination Committee composed of Heads of the organs concerned, that is the Court, the Commission, the Children's Committee, the DPA/ AUC, the PAP, etc, will establish a Steering Committee, composed of the Executive Secretaries of these Organs. The Steering Committee will report on a regular basis (once a month) to the Coordinating Committee on the implementation of the activities, and the Coordinating Committee will report to the Executive Council/Assembly during the Summits.

37. The Coordinating Committee will present a report on the activities undertaken during the celebration to the Executive Council and the Assembly of Heads of State in June 2017, including appropriate recommendations.

2014

Report of the activities of the African court on human and peoples' rights January – June 2014

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