

DECISION ON THE ACTIVITY REPORT OF THE AFRICAN COURT ON HUMAN AND PEOPLES' RIGHTS (AfCHPR) - Doc. EX.CL/1258(XXXVIII)

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 2020.
2. **NOTES** that 2021 marks the 15th Anniversary of the operationalization of the African Court on Human and Peoples' Rights, and **COMMENDS** the Court for the excellent contribution it has made in the protection of human rights and the development of an African human rights jurisprudence since its operationalization.
3. **INVITES** Member States and other human rights stakeholders on the continent, in association with the Commission and the PRC, and in collaboration with the Court, to take the opportunity of this commemoration to engage in frank and constructive discussion on the mandate and work of the Court with a view to strengthening it and enhancing the protection of human rights on the continent.
4. **CALLS ON** the Commission and the PRC to provide the Court with the necessary resources to enable it effectively discharge its mandate.
5. **REITERATES** its decision for the Commission to expedite the processes of organizing the Joint Retreat between the PRC and Legal, Judicial and Legislative Organs of the Union and ensure the said retreat is held before June 2021, with a view to considering the reform proposals for the said Organs.
6. **NOTES** that over two decades after its adoption, only thirty (30) Member States of the African Union have ratified the Protocol and only six (6) of the 30 State Parties, have deposited the declaration required under Article 34 (6) thereof, allowing individuals and NGOs to bring cases directly to the Court.
7. **CONGRATULATES** the thirty (30) State Parties to 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, Nigeria, Niger, Rwanda, South Africa, Sahrawi Arab Democratic Republic, Senegal, Tanzania, Togo, Tunisia and Uganda.
8. **FURTHER CONGRATULATES** the six (6) State Parties that have deposited the declaration under Article 34(6) of the Protocol, namely: Burkina Faso, Ghana, Malawi, Mali, The Gambia and Tunisia.
9. **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,

and urges those States that withdrew their Declarations to reconsider their decisions.

10. **URGES** the Chairperson of the AUC, in accordance with previous Executive Council Decisions, to take all necessary measures to operationalize the Legal Aid Fund, and to this end, **INVITES** and **ENCOURAGES** all Member States of the Union, to make generous voluntary contributions to the Fund to ensure its sustainability and success.
11. **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 **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 ensure the expeditious construction of the premises, bearing in mind the structures of the African Court of Justice and Human and Peoples' Rights.
12. **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 2021, on the implementation of this Decision.