

AFRICAN UNION

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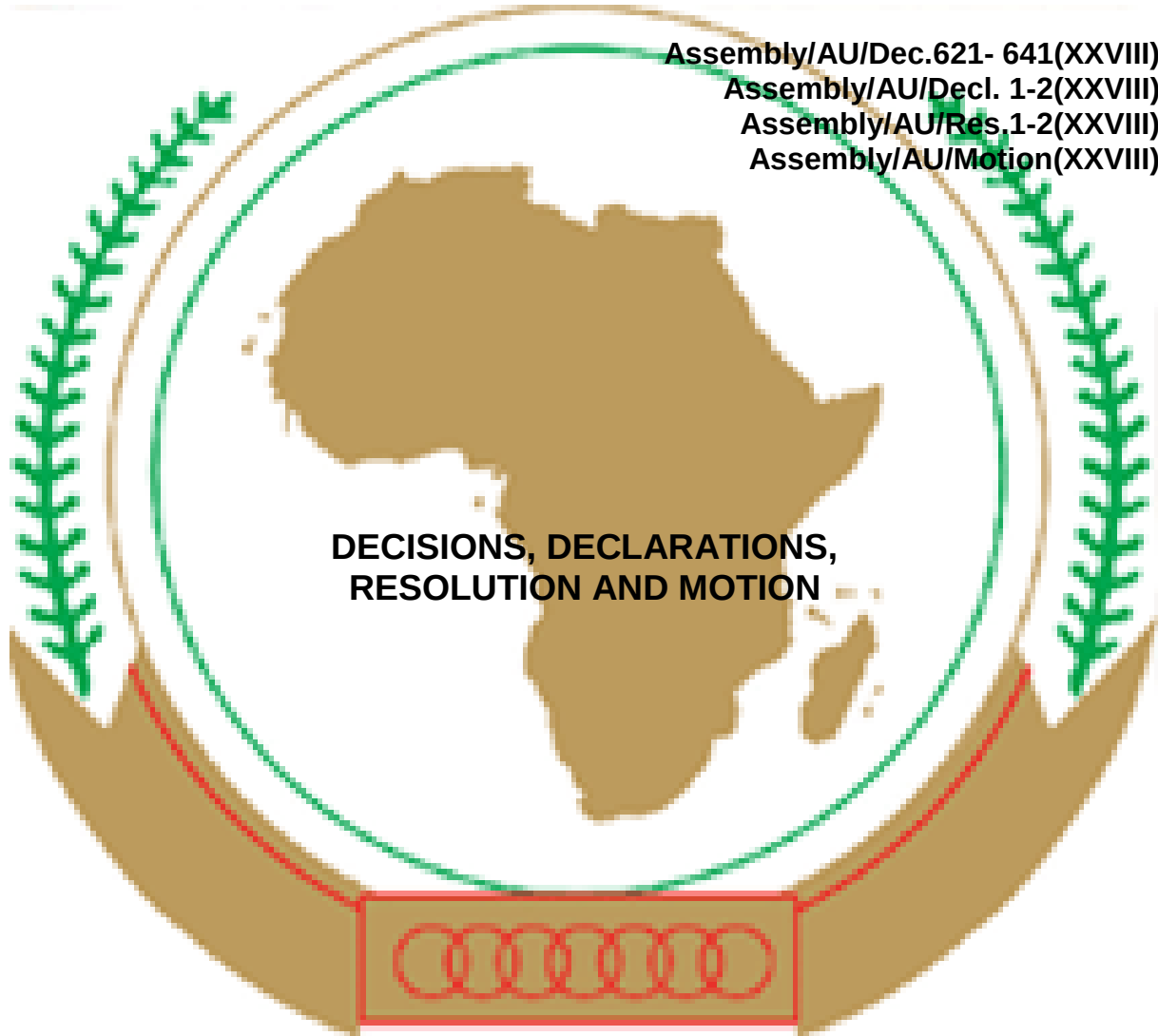
ASSEMBLY OF THE UNION
Twenty-Eighth Ordinary Session
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Assembly/AU/Motion(XXVIII)



**DECISIONS, DECLARATIONS,
RESOLUTION AND MOTION**

**DECLARATION ON THE COMMEMORATION OF THE TENTH ANNIVERSARY OF
THE OPERATIONALIZATION OF THE AFRICAN COURT
ON HUMAN AND PEOPLES' RIGHTS
Doc. EX.CL/999(XXX)**

We, the Heads of State and Government of the African Union, meeting at the 28th Ordinary Session of the Assembly, held in Addis Ababa, Ethiopia, from 30 to 31 January 2017;

Recalling Executive Council Decision EX.CL/Dec.903(XXVIII), requesting the African Court on Human and Peoples' Rights (the Court) to "present, in collaboration with the AU Commission and the PRC, at the July 2016 Ordinary Session of the Assembly, through the Executive Council, a Declaration on the Commemoration of the 10th Anniversary of the Operationalization of the African Court on Human and Peoples' Rights".

Recalling the adoption 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 Protocol) on 9 June 1998, in Ouagadougou, Burkina Faso;

Noting that the Protocol was established to enhance the protective mandate of the African Commission on Human and Peoples' Rights (the Commission) in particular, and the enjoyment and protection of human and peoples' rights on the continent generally;

Noting further the entry into force of the Protocol on 25 January 2004, the election of the first Judges of the Court in January 2006, and the swearing-in of the said Judges in July 2006, during the 7th Ordinary Session of the Assembly, held in Banjul, The Gambia, from 1 to 2 July 2006;

Noting also that 2016 marks the Tenth (10th) Anniversary of the operationalization of the African Court on Human and Peoples' Rights; and has been declared African Year of Human Rights with particular focus on the rights of women;

- 1. CONGRATULATE** the Court, as it commemorates its Tenth Anniversary, for the laudable role it has played, in collaboration with other relevant stakeholders, particularly Member States, National Human Rights Institutions, Bar Associations and Civil Society Organisations and other partners, in enhancing the protection of human and peoples' rights in Africa;
- 2. RECALL** in particular the contribution of the Court in the development of the African human rights jurisprudence;
- 3. REITERATE** our commitment made in the Banjul Declaration on the 25th Anniversary of the African Charter on Human and Peoples' Rights, adopted during the 7th Ordinary Session of the Assembly in July 2006, and in this regard, **RE-AFFIRM** our full support to the Court, and commit ourselves to provide the necessary human and financial resources to allow the Court to discharge its functions effectively and efficiently, as well as to fully cooperate with and render all the necessary assistance to the Court;

4. **ALSO REITERATE** our intention to strengthen the protection of human rights in particular, and the justice system on the continent as a whole, including the fight against impunity;
5. **CONCERNED** that almost two decades after the adoption of the Protocol, only 30 Member States have ratified it and only 8 have deposited the declaration under Article 34(6) thereof;
6. **CONGRATULATE** the 30 State Parties that have ratified the Protocol, that is, Algeria, Benin, Burkina Faso, Burundi, Cameroon, Chad, 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;
7. **ALSO CONGRATULATE** the seven (7) State Parties that have deposited the declaration under Article 34(6) of the Protocol, namely: Benin, Burkina Faso, Côte d'Ivoire, Ghana, Malawi, Mali and the United Republic of Tanzania, and encourage the Republic of Rwanda to reconsider its decision to withdraw the said declaration;
8. **REITERATE** Executive Council decisions EX.CL./Dec.842(XXV) of June 2014 and EX.CL/Dec.865(XXVI) of January, 2015, urging those States that have not already done so, to take all necessary measures to ratify the Protocol and deposit the Article 34(6) declaration, as we commemorate the Tenth Anniversary of the Court and celebrate African Year of Human Rights with particular focus on the rights of women;
9. **RECALL** the adoption of the Protocol on Amendments to the Protocol on the Statute of the African Court of Justice and Human Rights, in Malabo, Equatorial Guinea (Malabo Protocol) in June, 2014, which seeks to fight impunity on the continent;
10. **NOTE WITH CONCERN** that more than two years after the adoption of the said Protocol, only nine (9) Member States have signed and none have ratified it;
11. **CONGRATULATE** the 9 States that have signed the Protocol, that is, Benin, Chad, Congo, Ghana, Guinea Bissau, Kenya, Mauritania, Sierra Leone and Sao Tomé and Príncipe;
12. **URGE** all Member States of the African Union to manifest their commitment to the protection of human rights, justice and the fight against impunity, by taking urgent and necessary measures to ratify the Malabo Protocol;
13. **REDEDICATE** ourselves to ensuring respect for human and peoples' rights, justice and the fight against impunity as pre-requisites for the attainment of our common vision of a united and prosperous Africa.